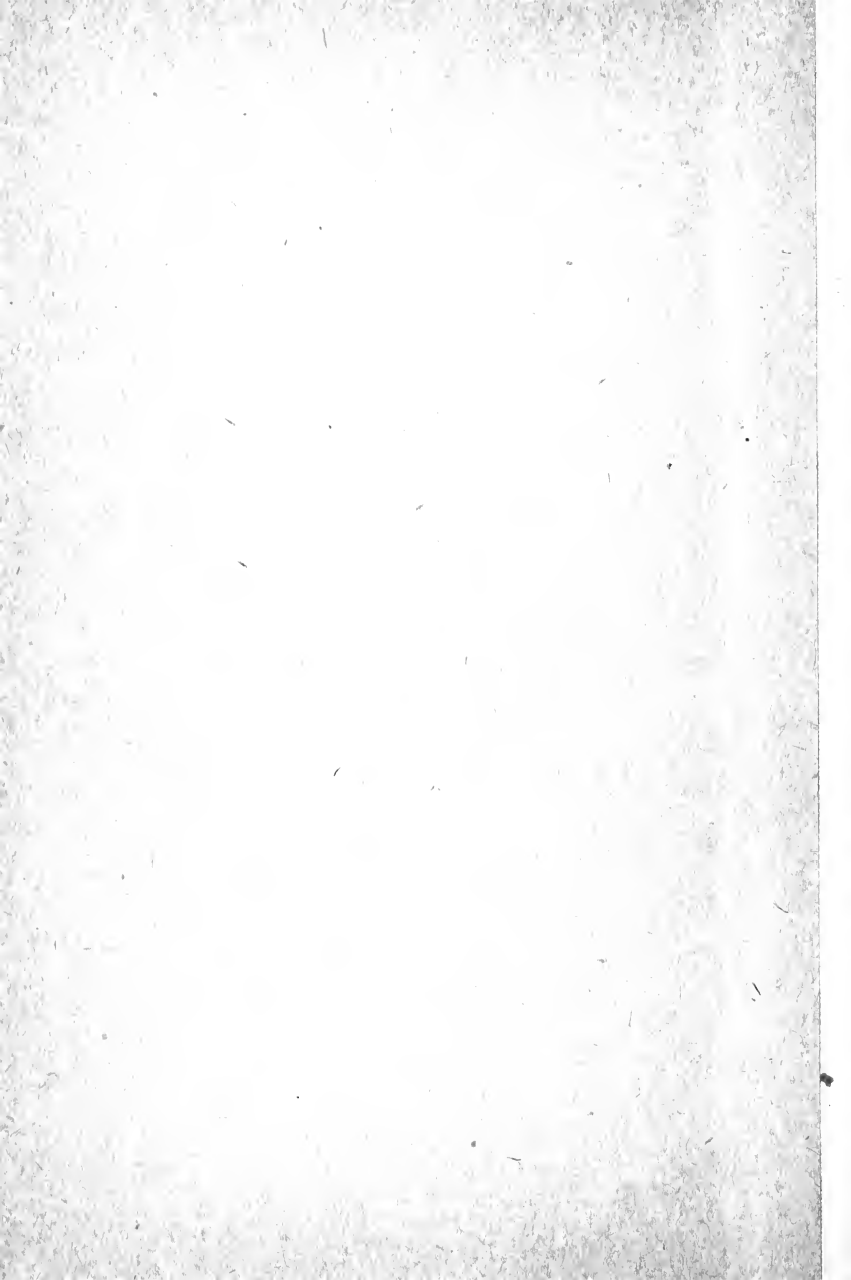


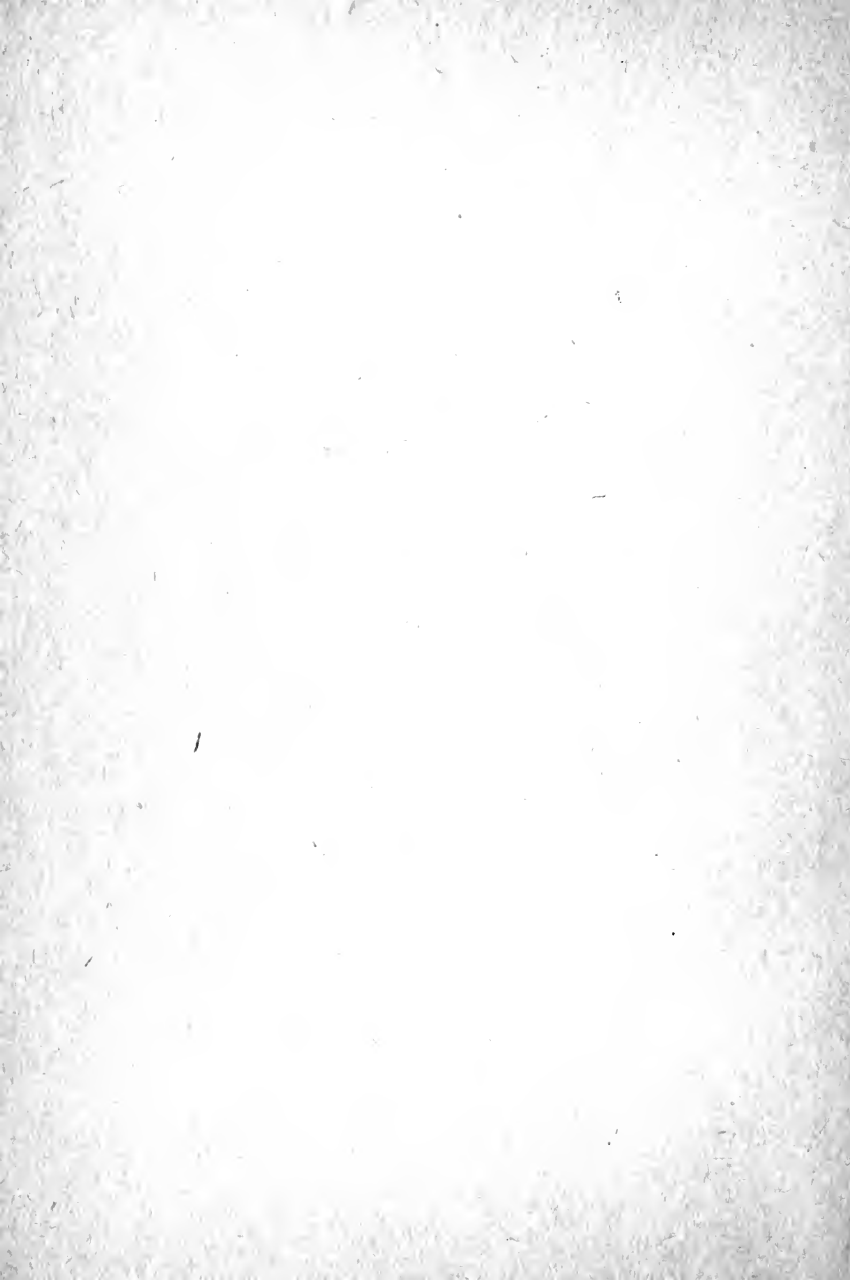
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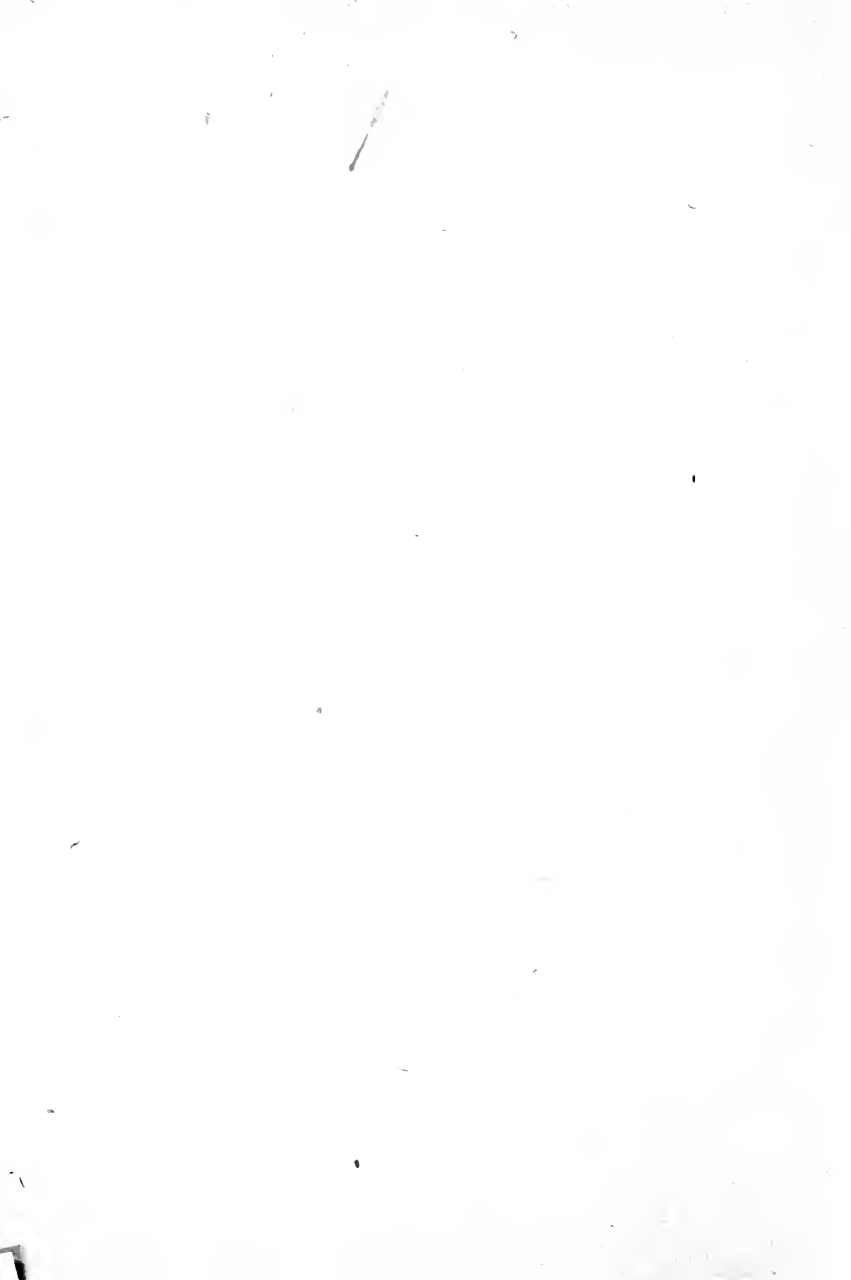






Yours Truly,  
S. W. Fowler

(Fowler)  
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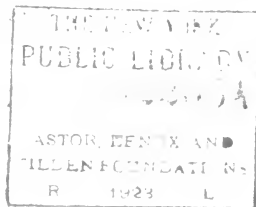


AUTOBIOGRAPHICAL SKETCH  
OF  
CAPT. S. W. FOWLER,

LATE OF THE 6TH MICH. INF'TY.

*Together with an appendix containing his speeches on the state  
of the Union, "Reconstruction" Etc., also his report on  
the "Soldiers' Voting Bill" made in the Michigan  
Senate, Etc.*

MANISTEE MICH.:  
*Times and Standard Steam Power Print.*  
1877.





## INTRODUCTION.

In August 1876 the following letter from Dr. Milton Chase late of the 6th Mich. Inf'y. was received.

OTSEGO, Aug. 10th, 1876—CAPT. S. W. FOWLER—Dear Sir—At the annual meeting of our old regiment's Reunion Association held at the Cass House in Detroit, May 25, 1876, a resolution was passed that the secretary collect the biographies or autobiographies of as many of our old commanders as it is possible and have them copied into a book; when the book is completed it is designed to deposit it in the archives of the state military museum. Of these histories it is desirable to make three divisions. First, Their history up to the time of their enlistment into the regiment. Second, Their history while in the regiment. Third. Their history after quitting the regiment up to the date of writing.

We would like to have them give full details of the personal incidents and observations of the narrator while a member of our regiment.

I hope that this matter will commend itself to your favorable notice, wishing you success in all your honorable work. I am respectfully yours,

DR. M. CHASE

Secretary of the 6th Mich. Reunion Association.

Received 13 July 1876

REPLY.

{ OFFICE OF FOWLER & HARLEY, ATT'YS.  
MANISTEE. Mich. August 1876.

DR. MILTON CHASE,—Secretary of the 6th. Mich. Reunion Association.

DEAR SIR.—In reply to yours of the 10th. I can not promise a full compliance with your request within the time designated, but hope to be able to snatch from the press of business sufficient time to furnish at least a sketch that may not be devoid of interest to comrades and acquaintances.

Very truly and sincerely yours,

S. W. FOWLER,

Late Capt. Company H 6th Mich. Inf'ty.

It was in accordance with the above request that the following pages were written. They contain a mere sketch and outline of what would make a large book. The author is not vain enough to suppose that the incidents herein narrated will be of interest to many besides his comrades, friends and acquaintances. The third person is used purely as a matter of taste and convenience.

THE AUTHOR.

## A SKETCH LIFE OF CAPT. S. W. FOWLER.

About the year 1760, one George Fowler an officer in the service of King George the second, of England, was commissioned to serve the King in some affairs of state in the New World. He brought with him his eldest son also named George, who was about 20 years old when they landed in New York,

While the old gentleman was attending to the affairs of state, the young man was looking after his own affairs, and the result was a marriage with a New York lady without any consultation whatever with the old gentleman. The father on his return to the metropolis was highly enraged at the presumption of the young couple, and at once put young George on an outward bound ship and started him for England, but was overwhelmed with grief afterwards on learning that the son died on the voyage and was buried at sea. Death leveled all caste, and his tears mingled with those of the young widow, now a mother.

A baby boy was named George after the father and grandfather received its grandfather's blessing and also the family coat of arms.

Many costly presents were left with the daughter-in-law and little George, when the grandfather returned to his home across the waters, which he did in a few months after receiving news of the loss of his son. The young mother in due time married again and became Mrs. Ryar of Brooklyn New York, where she reared a large family of children and where many of her descendants now live. Mrs Ryar lived to the extraordinary age of 93 years and is well remembered by Dr. George Fowler her grandson, of Oneida, N. Y., and others from whom the writer obtained these facts.

The son, George Fowler, grandfather to the writer, became a clergyman and settled in Monticello, N. Y. where he raised a family of nine boys and three girls, ministered for many years in that and neighboring churches, and finally was buried in the Monticello Cemetery.

The original family coat of arms is now in the possession of

Dr. George Fowler—an owl on a shield for a crest, surmounted by a British Crown and the motto "*Esto Pernox*;" be thou vigilant as the owl by night," is probably a liberal translation of the figure and words. The olive branch of peace hangs on the right and the word "Death" is on the left in Greek.

The Doctor is now 84 years old and is the sole survivor of the sons of Rev. George Fowler. The writer of this obtained two perfect copies of the family coat of arms, from the Doctor a few years since and values them quite highly as relics of early times, of ages long ago—as curiosities of the past.

The Doctor could give no account of the reason of the adoption of the owl as the family crest, and much correspondence failed to elicit information upon this point, until recently a letter and a small history of the Fowler family received from Prof. William W. Fowler of Durham, Vermont, seemed to clear up and explain the mystery. It was from the extraordinary vigilance by night of Sir Richard Fowler at the siege of Acre, during the crusades. The author of the work referred to and which is now in the possession of the writer, says, "During the period succeeding the conquest the name 'Fowler' designated an office rather than a trade or calling; thus, Fowler to the King" or "Fowler to de Guader, Earl of Norfolk." The jealous care with which the Norman Kings and nobles guarded their deer and other game gave rise to this office. The word is of Saxon origin; Anglo-Saxon *Fugelere*, German *Vogelere*, a bird catcher. Still the family were possibly of Norman extraction. It will be remembered that the Saxon gentry were almost universally despoiled of their estates by the iron hand of William the Conqueror, and yet within a century after his death we find that Rychard Fowler held large estates in County Bucks; "Richard" is a Norman name, besides this Rychard Fowler is not mentioned among the few Saxon nobles and gentry who accompanied Richard Cœur de Lion to the Holy Land, on the contrary he is mentioned in the chronicles of the English crusaders among the Anglo-Norman Knights who took part in that expedition; Burke and the old pedigree of William Fowler, Bart., affirms the great antiquity of the family of Fowler before the time of Richard I. It is not

improbable that they derived their origin from the favorite of some Saxon King, or of that renowned huntsman William the Conqueror.

The name Fowler is spelt variously in the old chronicles, wills and pedigrees in which it occurs. Rychard Le Fow, lere, FFowler, FFowler, A.D. 1190. Fowlere, Fowllar FFowler, time Edward IV. Fowler, FFowllar, Fowlar Fowelor and Fowler, from Charles I., 1640 till the present time. Prior to the reign of Richard I, genealogical investigation throws no light on the pedigree of the Fowlers. So that our chronicle must commence with Sir Richard Fowlere or le Fowlere of Foxley, County Bucks, time of Coeur de Lion 1189-90. He held large estates in that County, and accompanied King Richard to the Holy Land. The arms he bore were azure on a chevron argent, between three lions passant, guardant, as many crosses form a crest a hand holding a falcon's lure. During the war he maintained there a body of British Bowmen, all his own tenants. At the siege of Acon (or Acre) he defeated, by his extraordinary vigilance a nocturnal attempt of the infidel to surprise the Christian camp; for these services he was knighted by his royal master on the field of battle, and ordered to wear a new crest, viz: the *vigilant owl*. See also Komber, vol.III p. 11-12.

Sir Rychard Fowler of Foxley, the crusader. was the progenitor of a family, the main stock of which flourished in Buckinghamshire for over five years, while branches shot off into Oxfordshire, Bedfordshire, Islington, Norfolk, Staffordshire, Rudnorshire, Rutlandshire, Ireland and Surry.

#### MEMOIR.

The subject of this memoir was the grandson of Rev. Geo. Fowler of Monticello, N. Y.

Captain Smith W. Fowler was born in New Berlin, Chenango County, New York, April 5th., 1829. His parents soon after moved to Fly Creek, Otsego County, New York, where at an early day, his mother died, leaving a family of six children of whom he was next to the youngest. The funeral was at the Fly Creek M. E. Church and she was buried in the cemetery in the corner just above. It was a damp December day, cold, with snow enough for sleigh-

ing and as the children bid each other good-bye on the margin of the grave they parted, never, all of them to meet again this side the tomb

They found homes in separate families with relatives and farmers but had no home of their own or help in life until they were able to earn homes and help themselves.

The father had gone west where he afterwards married and raised a family of children. Smith was a stout, healthy boy of much perseverance and will power, and readily found a home with those who desired his service. He worked on a farm summers, and went to school winters until he was twelve years old. He was regular in his attendance at church and Sabbath School, and availed himself of the privileges afforded by the district school library to obtain the use of historical and other valuable works to read and study during leisure moments.

It was seldom that he did not carefully read a book of from 300 to 600 pages each week in time to return it on Saturday evening. In all his boyhood he only remembers having violated the Sabbath, so far as to go fishing, but once. And then it was at the request of a young man by the name of Beadle, who has since become wealthy and famous as the "Dime Novel Man," and who now owns the Eddy Place and has a magnificent summer residence in the same old stone house just below Coopers-town where Smit<sup>h</sup> then lived as a chore boy and from which he started for church the day he met young Beadle and was induced to turn aside to carry the fish for Mr. Beadle; in angling along the forest lined banks of the beautiful Susquehanna. The day was beautiful and clear, the forests were vocal with the music of insect and bird, and in the joy of the occasion, the church, Sabbath School, and everything were forgotten, except the gladness of the hour and the magnificent fish that were caught in abundance. At length the rod was folded up like a cane and the boy was made doubly glad by being told to keep the fish.

The folks loved fish, he loved fish, he had as many as he could conveniently carry, and a proud and happy boy he was, until he came in sight of the house and saw the people returning from service, then all at once he remembered the Sabbath, the school and the church, and became

overwhelmed with the realization of the situation. The fish were thrown away, and that ended fishing on Sunday with him for a life time.

The incidents of his childhood, worth mentioning, were comparatively few, while living at Mr. Eddy's in the stone house; he went to school winters at the school house below the Presbyterian Church called the "Frog Hollow School House." The first winter he was about the only strange boy from the country that attended this school in Coopers-town. It was a custom of the village boys to give strange country boys what they called a breaking in, and accordingly the second day of school at noon a dozen or more commenced the breaking in process with him and used him pretty roughly; dragged him on the floor, wallowed him in the snow, threw him down and pushed and dragged each other over him, until school call found him looking badly dilapidated. But the blood was up, and after school that night he sought out the ring leaders, and before school the next morning three of them had met their match single handed, and had had enough of the breaking-in process. Village pluck proved no match for country muscle when fully developed by hard labor, numbers being equal.

He had lived out, for several years, but the death of his mother seemed to sever the last tie that bound him to that locality. He loved his mother with a depth of feeling that was little less than worship. He adored her while living and mourned her as one without hope after her decease. Her last words to him were "be a good boy." She had been a kind, faithful, and considerate mother and did much to lay the foundation of his future success in life. With her in the grave a dark pall seemed to settle over his young life that he could neither dispel or overcome; he felt that he could not live there. Visions of the far west opened up before him, Michigan had recently been admitted as a State, and to Michigan he desired to go.

He was twelve years old, and as we have said was strong and active beyond most boys of his age.

He could not go in the winter, but after school closed in the spring, he turned his thoughts westward.

Early in June, 1842, as soon as his winter contract was out he bid good by to his sisters and friends, and one Mon-

day morning, at daylight, he started from Cooperstown on foot and alone, for the far away west. A cotton handkerchief contained his all. From Cooperstown it was a mile and a half to the top of the mountain.

Half way up, at a point that overlooked the village, the lake, and the valley through which the bright waters of the Susquehanna threaded the forests and in places sparkled in the morning sun like molten silver in a back ground of living green; he stopped, and cast a long, lingering, farewell look over the place that had been the home of his childhood, the scene of his little struggles and triumphs, his joys and griefs, and the great tears came welling up until he sat down and refreshed his resolution with a hearty cry, and then he set his teeth and pressed on, over the mountains, to Fly Creek valley, over the fence to his mother's grave,—a few moments of bitter weeping at the last resting place of her he loved better than life, and then on, and away. Ten miles from Cooperstown is the foot of Schuyler's Lake at the head of which are the far famed Richfield Springs; at the foot of the lake in front of a farmhouse was his only brother cleaning fish for breakfast. He shook hands and said good by, and started up the road while the choking tears came welling up

"Where are you going?" asked the folks. "Out west" was the reply.—"Come back and get some money, if you will go" said the brother. "I don't want any"—was the answer and he pressed on,—up the lake and past the springs until high noon, and all day without food or rest, save some cookies he had in his pockets for lunch,—until, as the last rays of the setting sun were gilding the spires, his eyes rested, for the first time upon a city—the city of Utica—forty-two miles from where he began his day's journey. To him, it was a magnificent sight and awakened thoughts and inspirations that seemed ample compensation for the day's fatigue. The magnificent valley of the Mohawke stretched away in the distance. Railroad trains came thundering along beneath the bluffs, with their open, primitive coach-like cars, and the packets on the Erie canal, all conspired to form a scene at once grand and to him awe inspiring.

In Utica he met a cordial welcome at the home of his uncle, William T. Fowler. But he had no time to waste



So the next day he commenced work for his cousin, John G. Fowler, now a wealthy coal dealer of that city. For two months he toiled at six dollars per month and then he must press on, westward and away. At Buffalo he found the brig *Toledo*, about to sail for Michigan. Fare, three dollars without meals. There were fifty or a hundred passengers, and three days sail was expected to bring them to Detroit. The second day out a severe storm set in and this was followed by days of calm, so the voyage lasted seven days. Provisions became scarce, and for the last two days and a half the boy had not a mouthful to eat. There was probably enough on board, but he went hungry, rather than let his wants be known. His bundle of clothes had been stolen, his little store of money was about exhausted, and hungry, without a change of garments, and with but two shillings in his pocket, he first set foot in Michigan, near the foot of First street in Detroit, about September 1st, 1843. He was a mere boy, not far from thirteen years old. He had no acquaintances in the State, and no plan for the future, except to work and earn his way, get an education and do the best he could. He knew the city was no place for him and he made no stop there, not even to eat or drink. From the time his foot struck the dock, he tarried not, but quickly pressed his way up Jefferson Avenue, along the muddy streets, until he found himself far beyond the noise and bustle of the town.

At that time there were no paved streets there, no carriages, only French carts. The rich and the poor, ladies in silk and in calico, the merchant and the market man, all went bobbing along in those primitive and odd appearing French carts.

Once in the country, he inquired of Mrs. Hunt, if Esq. Hunt wanted to hire a boy. She thought he did; the Squire would not be home before evening; would the boy gather her a basket of pears while he was waiting? He would and did, and never did pears taste better, or come in better season, than the pears that the boy gathered after his three day's fast.

He worked but a few weeks and then went to Massillon Ohio, and worked nights and mornings and Saturdays for his board, and went to school, during that and the succeed-

ing winter, to Prof. Gilbert, who was the author of Gilbert's Grammar, and was afterwards Superintendent of Public Instruction. Summers he worked for Charles London, at the brick laying trade, for nineteen cents per day. One term he attended the Garrettsville Academy, and at sixteen he taught school and received \$24 per month.

In 1846 he joined a company composed entirely of acquaintances who were bound for the (then) new Platte purchase in upper Missouri. The company consisted of old Deacon Hunt, who was the moneyed man of the company, and who afterwards built mills at Shekden's Ford on the Little Platte river about twelve miles from Savannah, Mo.,—his four sons, three daughters and their husbands and five or six other young men.

In early spring the company embarked on the good steamer *Schuylkill* at a small town below Pittsburg, Pa. and after touching at Wheeling, Louisville, Cincinnati, St. Louis and all the principal points on the Ohio and Mississippi rivers, they were transferred to a smaller steamer which conveyed them up the murky and uncertain waters of the Missouri, as far as St. Joseph, Mo. The trip from near Pittsburg, Pa., to St. Joseph occupied three weeks including stoppages.

There were no settlements on the western bank of the Missouri river. Fort Leavenworth was a mere station for a few army stores. Weston contained but few shanties and no schools or churches, while St. Joseph contained three or four hundred inhabitants and was an extreme border settlement. The Mormons were gathering at Council Bluffs and preparing for a grand move on Utah. The Mexican war had just commenced and the Indians on the plains were hostile and effectually prevented settlers from crossing the river and trespassing on their territory.

One incident perhaps ought to be related in this connection by way of illustrating western life and the situation generally. It was understood to be but twenty-four miles in a direct line from Weston to St. Joseph, while the river made a bend of eighty miles between the places. Life on the boat had become monotonous; grass was green and inviting and the prairies presented the appearance of a vast wheat field. It was tempting and the short distance by

land induced the boy to enjoy a walk across instead of riding the long distance around. He was the only one who would venture and he undertook the trip alone. It was early morning when he left the boat and with only his trusty rifle he threaded his way along the single street and up the bluff where the broad prairie stretched away invitingly in its beautiful dress of living green. He had been directed to follow the main plain road to St. Joseph, and he did until it ran out into the grass and he could find no track. Following what he supposed to be the direction where the road ought to be and expecting every moment to meet some one or some settlement, with high hopes and buoyant steps he pressed on and on, and high noon found him covered with perspiration and still pressing on. At three o'clock he had traversed fully thirty miles, but had met no person, no settlement, nor had he seen so much as a single trail traversed by a human being. He had had no lunch and was not only very much exhausted but ravenously hungry. His course had led him among scattering timber and all at once he came to a cabin with shake door and floor, and with no window save the cracks between the logs. A hearty appearing bare-foot woman bid him enter and on being asked if she could furnish dinner, replied, "I reckon" and from the prompt way in which she covered the skillet with coals and commenced pounding corn he "reckoned" she could. The corn was broken slightly by pounding, when it was wet with water, scooped out with the hand and patted into an oval shape so that three cakes filled the skillet, when it was allowed to heat through and then served up without salt or seasoning, the outside covered with crust and the inside raw. And this was a genuine corn dodger, and with wild honey made the entire bill of fare. Dinner over, the next inquiry was, "How far is it to St. Joseph?" "A right smart" was the reply. "But how far is it?" "A good bit" was the answer. "But how many miles is it?" "*A heap, I tell you!*" and this closed that part of the investigation. "Can you tell me the way to St. Joseph?" and she did thusly: "Keep up the divide until you come to the narrows, cross the branch and follow the main plain road to St. Joseph." This seemed explicit, but what the divide and branch and narrows were

or where there was anything in the shape of even a track, was a mystery, and he ventured to press the matter. "Could you not be a little more explicit and tell me which way to go?" "I tell you to keep up the divide till you come to the narrows, cross the branch and follow the main plain road to St. Joseph." This seemed to be a settler, and there was no way for it but to say good day, and go on. As luck would have it, before dark he blundered upon a plantation of about thirty negroes owned by a Rev. Mr. Steel of the M. E. Church, and there learned that he was in the bend of the river and still 25 miles from St. Joseph. He was made welcome, listened to long prayers and many blessings and went to sleep on a good bed thankful that there were some kind masters and christian slaveholders after all. The next morning he awoke refreshed. The air was balmy and vocal with the music of sweet feathered songsters and grateful and happy he wandered out to see the slave cabins, when coming near the barn, his blood was chilled by the sound of the lash, screams and groans, and above all was the voice of brother Steele, who was cutting with the lash and pouring out volumes of the most heartless and cruel threats ever heard. "He would skin 'em alive; he would dash their brains out; cut their hearts out, and all the while he made the whip crack and cut deep in the quivering, bleeding flesh, while the poor bond men for there were two of them, did scream and groan and beg for mercy. Our traveler beat a hasty retreat and an hour later when this christian man-whipper, all smiles, met him with a hearty "God bless you, brother Fowler," the illusion was gone. "Brother Fowler" had seen or rather heard enough of christian slaveholding, and he shook the dust from his feet and left there the last apology he ever felt for this vile "sum of all villanies."

It was three days before he was able to overtake his company. Three days of tedious toil, foot-sore and weary he joined them at Shelden's ford on the little Platte river.

## CHAPTER II.

### THE FAR WEST.

It was the intention of the party to enter Government

land and settle near Savannah, Mo., but the country was full of border ruffians, the water was not good, fevers and ague were common and the sickness and privations endured during the first few months, more than satisfied most of the members. Abolitionists, and in truth, northern people generally, had no rights, which slaveholders were bound to respect. Murder and mobs were the order of the day, and not only individual members of the company were attacked, but the whole company were attacked more than once in the night time with rifles and revolvers, in their cabins during the first few months of their stay. The Regulators, as they styled themselves, held absolute sway and whipped, shot, stabbed, or otherwise disposed of all who were objectionable to them. The superior arms and pluck of the members of the company taught the ruffians caution, and won at least temporary peace.

Mr. Fowler, as large or larger than ordinary men, weighed, at that time 170 pounds. After teaching school one term, joined a party bound on a hunting expedition for the plains, the Rocky Mountains and perhaps Oregon.

There were twelve young men, all well armed and abundantly supplied with powder and lead. Of the expedition west we have not space to speak in detail, suffice it, that it was one of disaster and death.

It was just before Gen. Kearney's overland march to California to take part in the war against Mexico, and the Indians hovered over the plains, attacking emigrant trains, assassinating and plundering generally, and it was not long before the small band became thinned by their murderous night attacks, and those that were left after following the old California trail to within sight of Pikes Peak, turned back and after feasting on buffalo meat, almost dying of hunger and thirst and suffering everything but death, Mr. Fowler and another, faint and sick reached a settlement on the Missouri, below Council Bluffs, at a place called Iowa Point. Some of the party had joined emigrant trains for Oregon, others had been wounded and left with trains, and four at least were sleeping their long last sleep. A raging fever kept Mr. Fowler prostrate in a settler's cabin at Iowa Point, vibrating between life and death for many, many weeks.

The sufferings of that illness may be imagined but can never be described. His only bed a blanket and a hay tick on the puncheon floor, with little care and no medical attendance, nothing but great vitality and a powerful constitution prevented his being added to the list of those whose bones are bleaching in that frontier land.

Late in the summer, returning health enabled him to resume his rifle, and watch for deer in the immediate vicinity of the settlement, and eventually one day he worked his way several miles down the river in the cotton wood forest that skirted its banks. In the evening while he was watching for deer under the banks of the river, the yell of a huge panther was heard a few rods below, and this was answered by another panther not half a mile away. It was becoming dark, several miles lay between him and the cabin and he was yet feeble from his long exposure and illness. Both panthers followed his toilsome steps to the settlement, and were only prevented from destructive familiarity by an occasional discharge of a revolver in the air. Too much familiarity is said to breed contempt and he had no desire to cultivate that feeling towards the sharp eyes and sharper teeth that graced those noble animals.

At that time no steamers went above St. Joseph, except for government purposes, and he was obliged to take passage in an ox wagon that performed a tedious trip to St. Joseph for supplies. The trip occupied several days, the party sleeping on the ground nights, but at length the whistle of a boat was heard and an hour afterwards he stood on the deck of a downward bound steamer.

He was fortunate to meet the boat, for there was only one a week then, that sailed as far as St. Joseph.

## CHAPTER III.

### EASTWARD, HO !

He was on the boat bound for civilization. He had seen the elephant of the west, paid the price, and was sailing away from its wilds, the wild prairies, wild beasts, wilder

Indians and border ruffian savages, and in the joy of the moment he forgot his weak and helpless condition and his empty purse, forgot everything except that he was homeward bound, and all the gold of California could not then tempt him to another trip like that from which he was escaping. Suddenly his meditations were interrupted by the clerk, who was collecting fare, and rudely called out "your ticket, sir." Slowly and painfully the answer came, "I have no ticket."

"Give me the money then."

"I can not now, but I hope to sell a rifle, watch or revolver and pay you in the course of the day."

"Where are you going?"

"To Ohio."

"How much money have you?"

"Seventy-five cents."

"A nice young man, you are, to start for Ohio with six bits. You pay me the money by the time I get through collecting tickets or I will put you ashore." And with a cruel laugh he went on.

There was no mercy there, and it became necessary to find the captain. He was approached and an interview requested.

"Captain, I have been sick, away from home, am about out of money and want to go back east. I have a watch, revolvers, a rifle and a pair of long range belt pistols, and I think I can sell some of them and pay my fare in the course of the day, or I will work my passage, will help fire or do anything you have to do."

The captain looked at the hollow eyes and sunken cheek and replied in his decisive but nobly generous way. "You cannot work on board my boat, you do not look able to stand up, and no man as feeble as you are shall work here. What are your belt pistols worth?"

"They cost \$20, but you can have them for what you choose to give."

"They are worth that now, and I will take them;" and he did and gave a ticket to St. Louis and ten dollars in cash. The rifle was soon after sold and thus the journey was provided for. That captain has had the earnest good wishes of at least one man ever since, and who knows but

when he comes to render an account for the deeds done in the body, it may be said to him, "inasmuch as ye have done it unto one of these the least of my brethren, ye have done it unto me, enter thou into the joys of thy Lord."

A short stop at Massillon, Ohio, with old friends, a year at Garrettsville, working vacations and attending the Academy term time, and he returned to Michigan, this time landing at St. Clair, on the beautiful river of that name.

## CHAPTER IV.

### SHIPWRECK.

He worked through the summer and until late in December, when in pursuance of a long cherished desire to visit the home of his early boyhood, he embarked on the steamer *Gen. Scott* for Detroit and eastward, but he was again doomed to disappointment. About eleven o'clock that night on the St. Clair lake, in a furious snow storm, the steamer collided with the schooner *Star* and went down in ten minutes carrying everything but the passengers with her. The few passengers that were aboard, including Prof. Fowler of Hillsdale, Geo. Jerome and Capt. Stephen Grummond of Detroit and others were taken off in the boats and picked up by the schooner after a thorough drenching. The next day he was landed at Newport, (now Marine City) with nothing but what he had on his person.

Through the influence of kind friends, he obtained a school for the winter in Canada at good wages, and after a very satisfactory term closed in the spring with a public exhibition, bid good-by to many who have since proved fast friends and on the fifth day of April 1849, that being his birth day, he landed at Romeo, Mich., and commenced attending the institution there, known as the Romeo branch of the Michigan Institution. He attended that institution for about a year and became engaged to one of the students, Miss Jane E. Marsh, whom he afterwards married. From Romeo he went to Albion and attended the Albion Institution for nearly two years, working vacations, and doing some building to pay his way. Here while attend-



ing school he built an addition to the President's house, and several other brick buildings, employing quite a number of men, so that he not only paid his way in the institution, but bought four lots, built a brick house thereon and saved about four hundred dollars besides, with which he hoped to pay his way through college. This money was left in the hands of a man supposed to be responsible, but who soon after failed and it was lost. But we anticipate.

## CHAPTER V.

### IN THE EAST TO GRADUATE.

He finally went to the State and National Law school then at Balston, near Saratoga, afterwards by act of the Legislature moved to Poughkeepsie on the Hudson. Here board and tuition were high, but with the \$400 in reserve and what he could earn vacations he hoped to go through. The \$400 lost, he was obliged with one or two others to rent rooms and live on bread and sugar or butter with such variations as the state of the finances would permit. However they actually boarded themselves for less than eighty cents per week each, and earned enough, vacations, to keep themselves out of debt until they graduated.

The struggle endured to insure success, would in itself form a chapter of no little interest. That the work was done and the time well improved is indicated by the result.

Those only were awarded diplomas who were found qualified on rigid examination. The examination was conducted in the presence of the Faculty by a committee appointed by a Court of Appeals of the state of New York.

Of the examination the Poughkeepsie *Daily Eagle* said: "The examination was of the most rigid description. The graduates sustained throughout a period of seven hours, the most thorough, close and systematic questioning that we will venture to say, has been undergone by any class of students in a long time."

The address to the graduating class was delivered by Hon. Horace Greeley, of New York, after which John W

Fowler, President of the Faculty, made a short farewell address and closed by presenting a diploma and conferring the degree of *Bachelor of Laws*, on the following named students: Here follows the names of the class and among others is that of S. W. Fowler of Michigan, there being but one other from that State among the graduates. Mr. Fowler was also among those chosen to deliver orations at the commencement, his subject on that occasion, being "Sketch of American Progress."

The day of course, as all such days are, was a proud one for the successful candidates, but with the subject of this sketch it was only an open gate to toil. He had his degree of Bachelor of Laws, but he had no money with which to return to Michigan.

He received his parchment about midnight of Aug. 11, and at one o'clock the next p. m., with trowel in hand he was earning \$3.00 per day, laying pressed brick on Clover street M. E. Church, then in process of construction. He worked a few weeks, replenished his purse, settled every account, went to Albany, entered his name for examination as a student at law, (waiving his right to be admitted on motion under his diploma) was examined and received his certificate of admission after examination, to all the courts of the state of New York.

Then for the first time since a boy, barefoot and alone, he "went west," he again visited his boyhood's home, the grave of his mother, and a few friends; then hastened to the home of his adoption in Michigan.

## CHAPTER VI.

### OPENING A LAW OFFICE.

To learn the practice of the State, he entered the office of Messrs. Brown & Van Arman, the celebrated criminal lawyer, since of Chicago,—John Van Arman was of the firm. After a few months close application in the extensive business of this firm, he settled in Charlotte, Michigan, for the practice of his profession. About that time he was admitted to the bar of the courts of Michigan. The examining committee consisted

of John Van Arman, D. Darwin Hughes and Mr. Gibbs, then State Reporter.

He had previously been married to Miss Jane E. Marsh of Romeo, a highly gifted and beautiful young lady, who proved a most devoted wife and mother. Her mother and three small children shared the home of the married sister, and thus he started life with a helpless family of four besides his wife, who were supported and educated sixteen years as members of the family. In 1854 he helped organize the republican party at Jackson, was one of the committee on nominating State officers, took a very active part in the campaign and was elected Circuit Court Commissioner for Eaton County by about seventy majority. In 1856 he was delegate to the National Convention held at Philadelphia that nominated Fremont. The campaign following was one of the most exciting the nation ever knew, and for over two months Mr. F. devoted his whole time to advocating freedom and Fremont. He spoke in every school district and in neighboring counties, addressing over sixty different meetings. He was elected Prosecuting Attorney by nearly four hundred majority, to which office he was re-elected in 1858 and 1860 by increased majorities. He was for a long time chairman of the republican county committee, and so managed the campaigns that the republicans not only held their own, but increased their majorities in each succeeding campaign.

He attended the Chicago Convention that first nominated Lincoln, and gave his entire time for nearly three months to the success of the ticket; speaking in the Representative Hall at Lansing, at Marshall, Jackson, Hastings and other places and thoroughly canvassing his own county.

After Lincoln's election, he wrote him, suggesting an escort of honor to the National Capital, each person to privately carry approved arms to prevent any attempted assassination, and offering to be one of the escort. The plan was not adopted and the result was, the President was forced to pass through Baltimore in disguise, like a fugitive in going to his own capital.

## CHAPTER VII,

## IN THE WAR.

April 15, 1861, when the telegraph announced the rebel attack on Fort Sumpter, he dropped all business, closed his office for the war, raised a company of 110 men and had his command fully officered, drilling in the manual of arms and ready to march April 24th, or within nine days of the firing of the first gun and telegraphed to the Governor the facts. It is believed that this was the first new company raised, after the breaking out of the rebellion, in the State.

The company was not then mustered in, because the Governor gave the old, uniformed companies the preference. However the officers were mustered into the State service and ordered to Fort Wayne, Mich., for camp and garrison duty; and afterwards they with their command were ordered to join the 6th Mich. Infantry at Kalamazoo Mich., where with a full company they were mustered into the U. S. service for three years, August 20th 1861, and immediately went into camp at Baltimore, Maryland.

At that time perhaps there were few more atheletic men in service than Capt. Fowler. He was about six feet high, weighed 230 pounds, and did double quick five miles with out halting, in the trench at Fort Wayne, on drill. He also swam the Detroit river in twenty-four minutes by the watch, swimming from the fort to the Canada shore, and was accounted an excellent shot. He took part in all the engagements in which the regiment participated, until in May 1862, and among others the following: Sewall's Point, Va., Port Jackson, La., Pass Christian, Vicksburgh, Grand Gulf and Amite river.

At time of the battle of Baton Rouge he was in the Evans House Hospital, New Orleans, unable to stand or sit up, where he had been removed with others that were sick or wounded several days previously. The whole history of the army so far as he was connected with it, had been carefully written out and prepared, but unfortunately the manuscript together with many valuable documents

was destroyed by the great fire that burned up the most of Manistee, Oct. 8th, 1871.

We shall attempt therefore only a sketch of some of the principal incidents.

At Baltimore the regiment took part in the arrest of Marshal Kane and the rebel Legislature that assembled for the avowed purpose of giving the State to the Jeff. Davis government.

\* In early winter one battallion of the regiment including Capt. Fowler's company were ordered to co-operate with the New York Zouaves and other troops, to drive the rebels off the east shore of Virginia. They embarked on steamers and sailed down the Chesapeake Bay to the mouth of a river up which the steamers made their winding way until the troops were disembarked at a small village seven miles from the rebel batteries at Oak Hall. The brigade was commanded by Gen. Lockwood, and was at that time in Gen. Dix's department. After two or three days of preparation, the command advanced on Oak Hall batteries and arrived just in time to miss the flying body of the rebels and pick up a few stragglers, with arms and munitions of war in limited quantities.

While the army were in camp near Oak Hall batteries, one night, while in charge of the pickets, Capt. F. learned from the negroes of a quantity of arms and ammunition that had been buried in a grave-yard a few miles beyond the lines, and with a detail of men he succeeded not only in capturing the arms and ammunition, but also secured a fine twelve pound brass piece and brought into camp with him Capt. Fletcher and Lieut. Corbin of the rebel army. He afterwards commanded every special expedition of either cavalry, artillery or infantry that was detailed for special duty by Gen. Lockwood, while he was in command of that division. He captured Col. Phinney of the rebel army, and was assigned the duty of conveying him a prisoner to Fort McHenry. He also had command of the expedition that captured the horses and accoutrements of Gov. Wise, near Accomac, and of the expedition that broke up and captured the rebel smugglers on the islands at the mouth of the Chesapeake Bay.

After serving in the Provost department for several

weeks after his command had returned to Baltimore, at his own special request he was relieved from staff duties and permitted to return to his company, most of whom were old neighbors and warm personal friends. He received strong letters of commendation from Gen. Lockwood and a pressing invitation to remain on staff duty in Accomac county, but the desire to be with his men was stronger than any love of promotion and he determined to share their destiny. He had scarcely joined his command, when the regiment received marching orders for Newport News, via Fortress Monroe. February 21st 1862, they embarked on steam transports and sailed from Baltimore. They were landed at Fortress Monroe, Feb. 22, Washington's birth day, and immediately went into camp just below the battery at Newport News.

The ill-fated war ships, the *Congress* and the *Cumberland* lay at anchor just in front of the camp. Their decks were bristling with heavy ordnance and they were manned by over four hundred as gallant seamen as ever trod a deck, eager for the fray.

The famous rebel iron clad *Merrimack* was approaching completion and twice she steamed out so that her dark gable shaped hull could be seen around the point toward Norwalk, and yet the *Congress* and *Cumberland*, wooden men of war, were held at anchor like war dogs chained for the slaughter, while steam gun boats lay idle only six miles away, and tugs were not wanting which could have taken these sailing ships beyond the reach of the prow of the rebel rams.

But through the imbecility of General Wool, who commanded at Fortress Monroe; or of some others in authority, these ships were left to their fate and all went down together, and had it not been for the timely arrival of the Monitor, the extent of the disaster might have been almost decisive of the struggle.

The day before the *Merrimack* engaged the Union forces at Newport News, the 6th Mich. Infantry Regiment was ordered on board a large transport steamer for Ship Island in the Gulf of Mexico. Instead of taking the troops directly to fortress Monroe, only six miles distant, as might have been done at the same ex-

pense and with perfect safety, the transport steamer drawing eighteen feet of water was ordered to Newport News, and Capt. F. was assigned the duty of looking after some supplies on the way up. The size of the steamer compelled them to keep the main channel which led directly under the guns of the rebel batteries at Sewall's Point, and she was exposed to a most vigorous shelling both ways. The steamer could not approach the shore and it was necessary to ship the troops and military stores on small steamers from the shore to the transport steamer, which occupied the most of the day.

On the return trip to Fortress Monroe, she was attended by a convoy of two U. S. gun boats, but that the transport was not sunk with the three thousand men on board, was due more to good fortune and the bad shooting of the rebel artillery, than to either good management or gun boats on our side. There was the 4th Wisconsin under Gen., (then Col.) Payne, the 21st Ind. and the 6th Mich., under Col. Curtenius, the whole forming a brigade under Gen. Williams, for Gen. Butler's department; destination Ship Island. It was a terrible crowd with which to stem the storms of the Atlantic at that inclement season of the year.

One incident by way of illustrating the perils of a soldier's life; The regiment had pitched their tents on the clay bottoms, below the batteries at Newport News. One night about the last of February it blew a gale so severe as to prostrate every tent, followed by a terrific storm of wind and rain that flooded the valley and left the camp in water ankle deep and more. It was cold, no shelter, no fire, the men could choose between standing up and letting the water run the length of them, or lying down with such covering as they had and keeping their faces above water. It was a sorry choice and scores, including Capt. Fowler, were disabled for a time by the terrible ordeal of a night in cold water with the head propped up to keep it above the surface. This probably laid the foundation of a disease from the effects of which years do not seem to bring entire relief.

There was snow on the ground when the huge steamer with three regiments besides field and staff officers steamed

out into the broad Atlantic. Off Hatteras the inevitable storm overtook them and they were driven into Beaufort, South Carolina, for shelter. After three days the weather moderated, and they steamed south without escort depending entirely upon speed and fortune to keep them out of rebel hands. In due time the steamer came to under the guns at Key West, which was a small ill looking place of a few one story houses and a good many two story coconut trees.

## CHAPTER VIII.

### SICKNESS AND SUFFERING.

From the Coral Reefs of Florida a short sail served to anchor the steamer on the north side of Ship Island, which is really nothing more than, a long, low, naked white sand-bar, which is frequently washed from side to side for half its length by the waves in a storm. It is less than half a mile wide and about three miles long. The seventh day out from Old Point Comfort, the tents were pitched on the white sand of this barren spot where the sun poured its meridian heat from directly overhead and the mercury sweltered among the nineties. "Greybacks" and woolens came off in a hurry and the boys dug in the sand for brackish filtered sea water, waded in the sand in weary drill, drank sandy, sulphurous, salty water, breathed sand in the air, ate it with their food and at night lay on the fine white hard sand to dream of the comfort and love of home and the dear ones far away. And possibly some silly enthusiastic patriot in the dreams of the night, imagined that if he survived the pestilence of the climate and the bullets of the enemy he might possibly receive some gratitude from the country he offered his life to save but not one had the sagacity to comprehend for a moment that in twelve short years it was possible for those same rebels they came three thousand miles from home to subdue, could have a majority in the popular branch of the government and be in a position to dictate laws to loyal men. And it was well. A knowledge of that fact added to all the other ills they had to endure would certainly



have killed or dispersed the whole army.

Troops arrived until there were about seven thousand men cooped upon the little spot of sand just east of the bar called the fort.

In the mean time the small pox had broken out and the cheerful front of a rough pest house graced the drill ground (sand) where those that were able endured the daily torture of the drill in sand shoe deep at every step. Death seemed to lurk in every drop of water, and on every grain of sand; the scorching rays of the mid day sun seemed but so many shafts in his hands, and the few sand heaps soon became a large city of the dead and the funeral march became a perpetual procession, until from eight to twelve went daily by; and of the 7000 soldiers, there were very few who could stand up and boast even good health.

Diarrhea was the prevailing and almost universal disease, hundreds died with it, and with hundreds of others it became chronic. It was literally planting the seeds of death in the constitution of every man afflicted, that required long years to exterminate if the sufferer survived so long. No man who endured the agonies of the disease a single day, or had one glance at the pinched faces of the dead and dying victims, could talk lightly of this most horrible of all diseases, endured by the patriot soldiers. There were none on the island but soldiers, no families or even servants; once they were nearly a month without a mail. There was little to relieve the tedious monotony of camp life. Once indeed four rebel gun boats attempted a surprise and approached under cover of darkness near enough to open with shot and shell before they were observed. The U. S. gunboats, New London, Colburn, and another soon got under way, and drove the rebel crafts towards lake Ponchartrain and finally captured one of them. The rebel fire opened on the island about two o'clock in the morning and the fighting continued with unabated fury until nearly noon, when one rebel gun boat was captured and the others were driven into shoal water.

Soon after an expedition was formed to attack the rebels at Pass Christian. The 6th Mich. did not go as a regiment but many of the officers, and among others, Capt. Fowler volunteered and took part in the battle which resulted in a

rebel rout.

About the middle of April 1862, the forces on the island were embarked for an attack on New Orleans. The Mortar fleet consisting of thirty-four ships together with several gun boats for Faragut's fleet sailed from the island. The sick were ordered to remain in the hospital, but Capt. F. preferred to share the field with his command rather than remain, although he had been confined to his blanket for several days before embarking and was unable to walk to the landing.

His regiment together with the 4th Wisconsin and the 21st Ind., were shipped on board the Great Republic, the largest sailing vessel in the world.

They were taken in tow of the U. S. gunboat, Calhoun, part of them disembarked just back of fort St. Phillip to co-operate with Commodore Faragut in the capture of that post and fort Jackson. During the six days terrific bombardment they were but little more than idle spectators. They were in full view of everything, but could take but little part in the fray. After the capture of these posts and the rebel fleet, the troops were transferred to captured steamers and proceeded up the river to take possession of New Orleans. The first night after the transfer to river steamers, Capt. F. was taken with a terrible cramping in the chest and bowels. For hours his head was drawn almost to his knees and it was with the utmost difficulty that he breathed. Hot water from the boiler was applied until the skin was scalded, and large powders of black pepper were administered, but there was no doctor and no medicine on board. Few thought he would survive the attack, but during the forenoon he became easier; yet it left him with a chronic diarrhea, from which he was not free for a single hour for the next seven years.

## CHAPTER IX.

### NEW ORLEANS AND VICKSBURG.

The next day, April 28th, 1862, the steamers entered New Orleans. As they passed up the levees the Home

Guards fired into the crowds wherever a friendly signal wave! the old flag a welcome, and a street fight was confidently expected. Weak as he was, Capt. F. placed himself at the head of his command and was the first man on shore from his steamer.

Forming in line of battle they marched to the U. S. mint and took possession. The excitement over, he had to be helped to the officer's quarters where a wide board and his blanket formed his only bed for several days. The regiment being ordered up the river his men helped him to a wagon which conveyed him to the transport steamer and a blanket on the cabin floor constituted his quarters. Baton Rouge, Natchez, Grand Gulf and all towns were captured, until the expedition arrived at Vicksburg. On the way up the splendid fast sailing steamer Laurel Hill was captured and taken possession of by the regiment and used until the return. At Vicksburg the rebels were well fortified and after several days of reconnoissance and skirmishing, the main forces withdrew. On the passage down they were fired upon from the masked batteries at Grand Gulf, and many were killed and wounded on both sides.

The main body of the troops were landed at Baton Rouge while the sick, (including Capt. F.,) and wounded were taken to Evans House hospital at New Orleans. He had now become unable to walk or stand up. Weeks and months of illness in the intense heat of that climate without care or proper food and on expeditions which tried the endurance even of the healthy, had done its work and he was advised that nothing but a transfer to a more northern climate would save his life. Should he go north on a furlough and draw wages while he could render no service, or should he resign and let those who were able to earn the pay take his place. The latter seemed best and he sent in his resignation. The resignation had been written at the earnest advice of Col. Curtenius and the regimental surgeon, nearly four weeks before it was sent in. It had been retained during this time hoping against hope for some favorable symptom of returning health, and finally on the eve of being placed on a man of war bound for New York, by special permit of the Commander of the department in the later part of June, the resignation bearing

date in May, was handed in, because he was too sick to realize or care for the month's pay that was thus lost.

He was disabled in the service of the government and after experience demonstrated that it would have been better to have held his position and drawn pay during his disability.

As might have been expected, political opponents seized upon the occasion to attribute the resignation to dishonorable motives, and this fact was afterwards mentioned in a letter to Col. Curtenius, when the gallant Colonel promptly wrote the following characteristic reply which was published in the *Charlotte Republican* of Feb. 12. 1863.

#### THE LETTER.

KALAMAZOO, JAN. 29, 1863.

*My old Associate-in-Arms*:—I am in receipt of yours of a recent date. While I sympathize with you at the calumnies of your traducers, I am not astonished that reflections should be thrown upon your character. Indeed few officers resign (be their reasons ever so laudable) but there are creatures ready to pounce upon them and attribute the most dishonorable motives to their actions.

In my own particular case, I know such has been the result. When I left the command I really supposed that I had so deported myself as to escape the slightest semblance to censure, but I was mistaken. I had not been home ten days before the most infamous rumors were put in circulation, calculated to disgrace me. Charges of larceny, cowardice, inhumanity, and indeed every other crime designated in the commandments were hurled at me with an unsparing hand, as if nothing short of annihilation would answer their purpose. To all of those charges I had too much personal respect to give even a passing notice. Having full confidence in my innocence and not despairing of ultimate exoneration from everything that might be said reflecting upon my honor and integrity I would not suffer my equanimity to be in the least disturbed. Falsehood sometimes gains a victory over truth, but such victories are sure to be temporary, and such no doubt will be your history and

mine. As an *officer* and a *gentleman* and a good *disciplinarian* few excelled you within the range of my military experience. The high moral tone of your command too, won my approbation, as it did that of others.

Touching your resignation, I do not hesitate to say that your health was such as to force that step upon you. Indeed it is my present recollection that it was upon my urgent admonition that, as a duty you owed to your family you were first induced to give the matter serious thought.

Pay no heed to idle and senseless rumors and be assured that (for me) I pronounce your course perfectly justifiable, honorable. \* \* \* and be assured, dear Captain, that I shall ever have the moral courage to do justice to a fellow soldier, irrespective of cliques and cabals. Will be always happy to hear of your prosperity in any praiseworthy direction.

Yours sincerely

F. W. CURTENIUS,  
Late Col. 6th Mich. Inf'y.

At New Orleans the surgeon fed him on strychnine biters and calomel, until his mouth was one raw sore and his teeth were ruined for life.

On the steamer were Major, (afterwards Gen.) Strong and six other disabled army officers. They were given the ward room and received medical attendance from the navy surgeon.

By resting in New York, Utica and Detroit, he finally reached home some time in July, so emaciated that his nearest neighbors did not recognize him. Congestive chills soon after set in and for weeks he vibrated between life and death. In the following November he was just able to attend the polls and vote. In the meantime he had been put in nomination for the State Senate and was elected by nearly a thousand majority.

## CHAPTER X.

### IN THE SENATE.

With cold weather he rapidly improved and was able to take his seat at the opening of the session. He was only

thirty-three years old, the youngest member in the Senate, and yet he was made chairman of the then very important committee on Military Affairs, and also of the committee on State Library. His work in the Senate appears at large in the Journal, and yet it may not be out of place to mention, that he drew up and introduced several very important measures, and among others "The Soldier's Voting Bill" which was finally adopted, and under which the soldiers of Michigan voted at the next Presidential election, and until the war closed. The measure was hotly contested by all of the democrats and many republicans and was only carried in the party caucus by two majority. At the regular session, the measure passed the House but was defeated in the Senate. At a subsequent extra session he again introduced the bill and succeeded in carrying it by a small majority. The very full report which he made as chairman of the committee on Military Affairs of the Senate will be found in the appendix. (See also Senate and House Doc. of 1864, page 1.)

He also drew up and introduced a joint resolution providing for a roll of honor, under which the Adjutant General published a full list of the dead and disabled of the Michigan troops, and such list has since been written on parchment and deposited in the State Library in accordance with said resolution. See Joint Resolution No. 19, Session Laws of 1873.

Mr. Fowler was the first advocate in the Michigan Legislature, of the measure for employing negro troops. He went to Governor Blair personally with Maj. Grummond to urge the formation of a colored regiment and used his influence as chairman on Military Affairs to promote that object until it became a success and colored men were permitted a part in the struggle for national existence.

He discussed the subject at length in his speech on national affairs delivered before the Senate, February 10 and 11th, 1863, which will be found in the appendix, as copied from the *Detroit Tribune* of that date. The speech occupied the most of two days in its delivery. Owing to its great length parts were omitted by the reporter who sent it to the *Detroit Tribune* where it filled seven closely printed

columns in that paper. Afterwards the State Central Committee paid him the distinguished honor of republishing the speech as a campaign document, and an edition of 30,000 copies was struck off, one of which is now in the possession of the writer.

The compliment of the publication will be better appreciated when it is remembered that in both houses there were over 100 speeches made on national affairs, and this was the only one selected to be published in full as a campaign document.

It was universally conceded at the time that the soldiers of Michigan would never have been permitted to vote in the field, but for his persistent labor in the Senate for that object.

The Jackson Citizen in speaking of the facts at the time in its issue of Feb. 14th, 1864, gave him full credit and commented on his action as follows:

#### THE SOLDIERS' VOTING BILL.

"The Legislature of Michigan did a good thing when they passed the bill allowing the brave soldiers of this State, the privilege of voting. For the passage of this measure, the thanks of the friends of our country are due to Hon. S. W. Fowler, the able Senator from Eaton county. Mr. Fowler labored hard and faithfully in the face of the greatest opposition to have the measure passed and finally had the gratification of seeing it become a law. Had it not been for his hard work with the committee (every one of whom, except himself was opposed to having a law of the kind enacted) and in the senate, the brave men of Michigan, who to-day are fighting our battles, would not have the privilege of having a voice in the affairs of the nation, to preserve the integrity of which they are ready to die. The soldiers owe a heavy debt of gratitude to Senator Fowler."

The Jackson Citizen also published the report made by Mr. Fowler on said bill in full and in its issue of Feb. 9th, 1864, commented thereon as follows:

#### SENATOR FOWLER'S REPORT.

"On the first page of to-day's paper we print the minor

ity report of Hon. S. W. Fowler; Senator from Eaton county, on the bill to allow soldiers to vote. It is an able document, and as such we commend it to the attention of our readers. Those of our readers who are opposed to the measure especially should read it. It is a candid, clear and argumentative paper and thoroughly upsets the many objections urged against the soldiers having a voice in the affairs of the nation through the ballot box. We see the house has passed the measure, now let the senate do our brave boys justice by doing likewise."

At the jubilee over the fall of Vicksburgh held in Jackson soon after that occurrence, Mr. Fowler made a speech which was commented on as follows, under the head of

#### THE FALL OF VICKSBURG.

"The Jackson *Citizen* in its account of the jubilee, after commenting on the speech of Gov. Blair, Mr. Wood and others, says;—"Hon. S. W. Fowler, of Eaton, was then introduced. He was listened to with marked attention. Mr F. was glad that Mr. W. didn't care for the negro, as his party had heretofore considered Sambo better than the white man and refused to let him perform the drudgery in the white soldier's place. He mentioned the many brilliant victories of our armies and gave Mr. Wood a good answer and effectually overturned what that gentleman had said. The rejoicing was kept up until a late hour."

Mr. F. while in the Senate was selected as one to pronounce a eulogy on the death of Senator Northrup and was on the committee to accompany the remains to Detroit. The severe labors of the session proved too much, and he was taken ill and confined to his bed for the last two weeks.

### CHAPTER XI.

#### DRAFT COMMISSIONER AND CLOSE OF THE WAR.

In the mean time in the early part of 1863, he had been appointed Draft Commissioner for the Third District of Michigan, with the rank, pay and emoluments of a Captain



of Cavalry, headquarters at Jackson, Mich., and of course was obliged to obtain leave of absence to attend the Senate. After the adjournment of the session he returned to his post in the government service, having the entire charge of the enrollment and drafting for that district and was the legal advisor of the Board.

H. B. Shank, of Lansing was the surgeon and Capt. R. J. Barry of Ann Arbor was Provost Marshal.

He served faithfully and it is believed acceptably in that position until after the close of the war. The following is a copy of his discharge.

WAR DEPARTMENT.  
PROVOST MARSHAL GENERAL'S OFFICE. }

WASHINGTON, D. C. April 28th, 1865.—S. W. FOWLER, Esq.—Commissioner of the Board of Enrollment for the Third District, Jackson, Michigan.

Your services being no longer required by this Bureau in consequence of the suspension of recruiting and drafting, by direction of the President you are hereby honorably discharged the service of the United States, to take effect on the 5th day of May.

I am, sir, very respectfully  
your obedient servant

JAMES B. FRY,  
Provost Marshal General.

E. D. TOWNSEND,  
Adjutant Gen.

The war was over. The long bloody agonizing struggle for national existence was at an end, we were yet in mourning for the martyr Lincoln, but the bright rays of the sun of peace seemed to guild the heavens, and there was peace and hope.

## CHAPTER XII.

### DEATH AND DESOLATION—REMOVAL.

Four years in government service had destroyed our practice and enabled others to occupy the place we once enjoyed. Those who had enjoyed home and had taken ad-

vantage of war prices had become rich, we had only lived and were poor. Two children had passed over the river and left us desolate. Our angel Nellie at four and a half years and an infant boy had died, the latter while we were absent in camp.

#### THE WIFE

of youth and almost in youth and beauty had broken down and was now lingering with the heart disease and general prostration on the verge of the tomb. Lingering loved, worshiped, and almost lost, the succeeding year was mostly devoted to the care of the noble, beautiful woman, whose love was the one halo of joy that brightened earth's pathway and made it a joy to live. She had long been an invalid and for nearly fourteen years she had been deprived of speech, that is the power to connect words and form sentences to talk though her voice was good and she could sing by using notes as la, la. Now she was prostrate and had to be cared for night and day, and fully and faithfully the loving task was performed until September 14th, 1867 when sweetly she gave the good bye kiss and folded her hands to rest. May God forgive if weak humanity rebelled at this complete desolation of home—home no more. The furniture was sold or given away and he went visiting distant relatives in Iowa and finally in December 1867 bought the Manistee "Gazette" changed its name to the "Times" and settled in Manistee as the editor of that paper.

### CHAPTER XIII.

AS EDITOR AND LAWYER—REMARRIAGE—A HOME AGAIN—  
THE GREAT FIRE.

It kept the brain busy and gave him the benefit of the pure lake breeze which proved so beneficial. For years he had not been free from the chronic diarrhea for a single hour and the climate afforded relief. Manistee proved a good place to invest in. The paper was soon enlarged to a six column quarto, and more recently the *Manistee Standard* was purchased and consolidated with the *Times* and the name changed to the *Times and Standard* of Manistee.

*Angelina*  
MARRIAGE AND CHILDREN.

September 15th he was again married to Mrs. Fannie Holden Lockwood, only sister of Hon. E. G. D. Holden, late Secretary of State, and daughter of J. R. Holden, Esq., of Grand Rapids. This marriage has resulted in the birth of three children—Frank Lincoln Fowler, born April 27th, 1870. ~~Fanny, David~~, Holden Fowler, born December 5th 1872 and Smith William Fowler, born July 4th 1875. All healthy and of good promise.

THE GREAT FIRE.

At the time of the great fire of October 7th, 1871. He was attending the Supreme Court at Detroit and knew nothing of the disaster until four days later when the news reached him on his way home at White Hall. The evening before leaving home he had bought another very nice house on the corner of Maple and First streets and paid \$3,000 all cash down, exchanging papers about 9 o'clock P. M., and he never saw the house again. He had the largest library then in northern Michigan, an office, the *Times* office block, three dwellings, barns, furniture, etc., etc., all were swept away, including the contents of his safe. The fire struck his home after midnight, so that the wife had to flee with her babe for their lives, with the flames close after them so that even the little one's hat blew off and was burned up, while the clothes caught fire over a mile from home. The track of the fire was from the southwest to the northeast and swept everything between Oak street and the Little Lake, leaving only one house north of the river where were about 400 inhabitants. Not a tree, shrub or fence post could be found in the district. All were literally left in ashes. When he arrived where his home had been, he found one vast plain of ashes, even the cellars were filled and the winds and the fire had levelled all land marks. Where his barn had been, were his cows with tails and eye brows and most of the hair burned off. They were alive and lowing most pitifully.

The keepsakes and accumulations of a life time were swept in an hour; not a book; a change of garments were saved, nothing but the sword and revolver carried in the

army and an oil painting of the wife of his youth. These and the baby.

He owed no man, had something due him and his lots and land were left. He had an insurance of \$4,000 of which he afterwards got twenty per cent. The companies having failed in the Chicago fire. The proofs and the carpenter's estimates showed a loss of over ~~\$15,000~~, besides barn, safe and contents. But there was no time for discouragement. Home, winter supplies, office, library, all were gone, and there was work to do and he did it.

He moved into a small room less than 12 feet square with chairs, a mattress and a few blankets and commenced house keeping on a meal of crackers and cheese. In six weeks time he had an office building up 24 by 35 and two stories high and he moved into three small rooms in the upper story and lived there a year and over, until his present brick dwelling was completed. This office was the first building up and occupied on Maple street after the fire; and excepting the house of William Nungesser, the first in that part of the city.

Gradually the effects of the fire wore off, home and home comforts returned, business was good and thanks to a merciful providence and an untiring industry, peace and contentment prevails.

## CHAPTER XIV.

### CONCLUSION.

After moving to Manistee he took a less active part in politics save through the columns of his paper and was a candidate for office only once up to this writing (1877) and perhaps the following correspondence and circular may explain the circumstances better than anything we might say in the premises:

#### LETTER OF REQUEST.

*To the Hon. S. W. Fowler,*

DEAR SIR—In view of the wide spread and general desire of the people of this Judicial district to have a choice

of candidates for the office of Circuit Judge, we respectfully request that we be permitted the use of your name as a candidate for that important office at the coming election.

Delegates of the people of Manistee County for a choice of Circuit Judge Candidate.	{	G. W. BULLIS,
		D. W. DENNETT,
		G. W. ROBINSON,
		HENRY S. UDELL.

MANISTEE, Mich, March 24th, 1869.

*To the Delegates of Manistee County appointed to choose a candidate for Circuit Judge:*

GENTLEMEN :—I have the honor to acknowledge the receipt of yours requesting the use of my name to place on the ticket for the office of Circuit Judge. This flattering assurance of your confidence comes entirely unexpected. It is well known by those who have written me upon the subject, and others, that I have not been a candidate for the position. The duties are too arduous, the requirements too great, and the compensation too small to make it a place to be sought for by one who has a full and solemn realization of the responsibilities imposed.

The question of Judgeship is of vital importance to all concerned. There is no power in a free country so terrible for evil, or so efficient for the well being of society as that reposed in the office in question. The wrongs of such a place are difficult of redress and even the right of appeal is a remote remedy and oft'times of little avail for want of time and means. For these and many other considerations the office should be above party favor or partizan influence, and it should be filled by the choice of the people fully and fairly expressed. The situation in this district at this time is peculiar.

There is but one candidate before the people, Hon. J. G. Ramsdell, and however well he may perform the duties of the office, it can hardly be claimed that all the people ought to be disfranchised who do not choose to vote for the one candidate, and yet, practically, this is the result if there is but one man to vote for. With these views, with charity for all and malice towards none, I sincerely thank you for the honor of your preference and leave the whole

case in the hands of the people, feeling that if only one man votes for me, he will have exercised fairly the free-man's right of the ballot. And if at this late day, the people's choice should fall upon me, under God I shall strive to discharge the duties of this high position, faithfully and fearlessly to the best of my abilities.

I remain, gentlemen,  
your obedient servant,

S. W. FOWLER.

#### CIRCULAR.

*To the electors of the 13th Judicial Circuit.*

The Judicial Convention at Traverse City having failed to make a nomination, the undersigned, delegates, feeling that the people should, of a right, have an opportunity to express their choice, have requested Hon. Smith W. Fowler, of Manistee, the privilege of presenting his name as a candidate for Circuit Judge.

Mr. Fowler upon our earnest solicitation has consented to be named as such a candidate, and in presenting his name a few words of introduction may not be improper.

Mr. Fowler is the oldest practicing lawyer now residing in this circuit. He graduated at the National Law School of New York in 1852, and was admitted to the bar of the Supreme Court of that State and in Michigan the same year. From 1854 to 1856 he served as Circuit Court Commissioner of Eaton County and was subsequently three times elected Prosecuting Attorney of the same county; and was then elected to the State Senate, where he served two sessions with much credit and ability; was chairman of the committee on military affairs, then one of the most important in the Senate, and was the author of the "Soldier's Voting Bill."

At his country's call he took the field in its service, became disabled at Vicksburg, and afterwards served as U. S. Draft Commissioner for the third district in Michigan until the close of the war when he resumed the practice of law.

We do not consider that he requires any such extended certificate of character as the other candidate has recently

published and in case of his election we have the utmost confidence that he will administer the office with ability and impartiality.

G. W. BULLIS,  
D. W. DENNETT  
G. W. ROBINSON,  
HENRY S. UDELL.

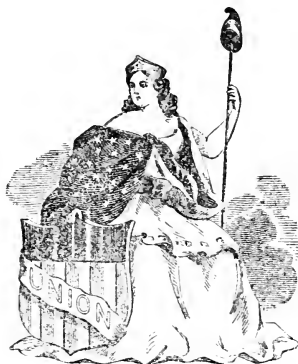
We need only add that the returns indicate that a change of about one hundred votes would have thrown the election either way. This was certainly very flattering considering that the district was over two hundred miles long. The consent was only given about ten days before election, and there was no regular nomination or organized effort.







THE  
SOLDIERS' VOTING BILL.



RECONSTRUCTION.

A SPEECH ON THE STATE OF THE UNION DURING THE DARKEST DAYS OF THE WAR.

BY

HON. S. W. FOWLER,

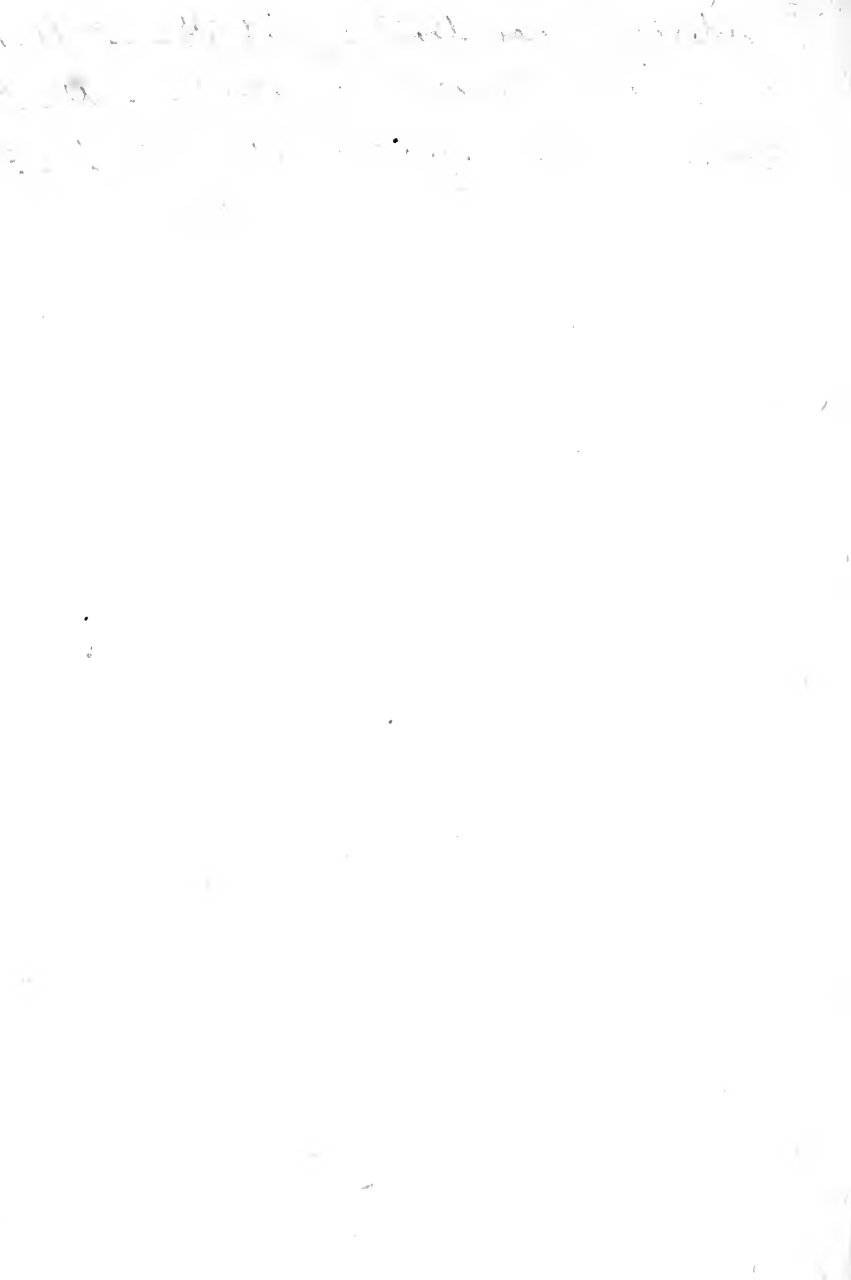
AUTHOR OF THE SOLDIERS' VOTING BILL, ALSO ON RECONSTRUCTION.  
REPORT OF COMMITTEE ETC.



MANISTEE, MICH.

*Times and Standard Steam Power Print.*

1876.



## INTRODUCTION.

The surviving witnesses of the late fearful struggle for national existence are rapidly passing to that "bourne from whence no traveler returns." The manuscripts, newspaper accounts, pamphlets and speeches, which in coming years would be invaluable guides to the historian, are fast disappearing before the corroding tooth of time, and those conflagrations which too often wipe out cities, towns, and homes. The future of the Republic depends largely upon keeping alive vivid recollections of the fearful price paid for national existence and the time is not distant when every reliable scrap of history connected with those dark and bloody days will be regarded as a rich inheritance to bequeath to coming generations. While I am not vain enough to attach any unusual importance to the few words uttered by us in behalf of the Government in the days of its greatest peril, nevertheless the struggle for the enfranchisement of the patriot soldiers of the nation is a part of the history of the times that should not be forgotten; and the breaking down of the middle wall of partition that prevented colored citizens from fighting treason may well be termed the turning point in the strife.

The speech herein recorded which was delivered in the

Michigan Senate, February 10th and 11th, 1863, was the first earnest appeal in the Michigan Legislature for the organization of colored troops, and was made when the Governor and a large share at least of the people opposed the measure. A few months later and colored regiments were organized and the measure became popular.

The favorable impression made by the speech is indicated in the fact that the State Republican Committee adopted it as a campaign document and published for gratuitous circulation in the next campaign an edition of 30,000 copies.

The "Columbia" speech of July 4th, 1865, was delivered before any plan of reconstruction was announced, and there can be but little doubt if the doctrine therein advocated had been adopted and carried out, it would have been an age before treason would again have lifted its brazen face, or undertaken to rule patriots.\*

It is eleven years since the author said, "At this time the 'rebels are helpless and at the mercy of the Government. 'Let them go through the formality of swearing allegiance, 'arm them with the ballot, and the next day or the next year the Government may be helpless at the feet of traitors.'" Eleven short years have passed. Now the Vice President of the Confederacy is in the United States Senate, eighty-four Confederate Generals and officers are in Congress. The one armed boys in blue have been compelled to give place to those who fought under the stars and bars, and to-day no act can become a law without Confederate votes, and to that extent at least the Government is "helpless at the feet of traitors."

The report on the soldiers' voting bill was made by the author of the bill, and was at the time regarded as unanswerable, at least no attempt was made at the time to meet its arguments and the bill soon after passed both houses and received the signature of the Governor.

It is true that after the close of the war, when the measure had become of no practical value, the Supreme Court decided it unconstitutional by the vote of Judge Christiancy and two others, and Judge Christiancy was soon after re-elected without opposition from the democracy. But the measure had performed its work; it had saved one Congressman and many representatives. It had received the sanction of both the executive and legislative branches of two State administrations. It had been approved by the House of Representatives at Washington, and, above all it had worked justice in extending to the soldiers the inestimable right of franchise. They voted, and it was of little practical importance after there was no longer use for the law, whether or no it received the approval of a majority of the Supreme Court, especially as there are very grave doubts as to what the decision might have been, had it been rendered when there was a necessity for the measure.

If the following pages shall serve in any degree to perpetuate that patriotism that induced the hardy sons of the north to do all, dare all, and suffer all, to perpetuate freedom on this continent, it will satisfy the greatest ambition of

THE AUTHOR.

Manistee, Mich. March 1876.

# SPEECH OF HON. S. W. FOWLER

Delivered in the Senate of the State of Michigan, February  
10th and 11th, 1863.

## On the State of the Union.

From the *Detroit Tribune* of Feb. 1863.

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Mr. Fowler said :

MR. CHAIRMAN—It is not without hesitation that I attempt, for the first time, to speak in the Senate of Michigan, upon national affairs. The times are such that the destiny of the nation may hang upon the action of any one State. The land is deluged with human gore, and almost every house has become a house of mourning; the Government and our soldiers in the field must have our undivided support, or all will be lost; he who is not for us is against us. There is no room for hesitation; the contest is upon us, patriots must fight, and freedom must win. In this contest the Government must be sustained, the principles of republican institutions must be vindicated, or the experiment will be abandoned, and the hands upon the dial plate of time, indicating the progress of human freedom, will turn back for centuries. But this must not, it can not be; for

“ Freedom’s battle once begun,  
Bequeathed from bleeding sire to son,  
Though often lost, is ever won ”

And he who doubts “is condemned already, because he doubts.” The support of the Administration is the support of the Government, and every barrier placed in the way of the Government, is, to that extent, aiding to defeat our armies and butcher our brothers. Michigan is loyal; the

patriotism of her citizens and the gallantry of her soldiers, have given her a proud position among the Free States of this Union; and before she will come down from that position, and strike hands over the turbid waters of the Mississippi, with states out of the Union, and dyed with the blood of her citizens, she will seek a patriot's grave beneath the waters of the great inland seas that almost surround her. The Prince of Rebels at Richmond is listening for murmurings of discontent from the Northwest; and if he sees, or thinks he sees that tares of discord are being sown he is encouraged to greater exertion, and he hopes, and almost prays, that they may bring forth an abundant harvest. Tares, indeed, have been sown, but this is poor soil for the seed, and Jeff. Davis may turn his longing eyes elsewhere, for there is little comfort for him here. Michigan may raise hemp, but cotton never, she will choose wool with freedom, rather than cotton with treason.

I can not attempt to discuss the merits or demerits of the various resolutions before the Senate. The resolutions finally to be adopted, will carry cheer to the White House, and will nerve anew the arm of the soldier; none other can receive the sanction of the Michigan Legislature.

The Southern States are engaged in the perpetration of crimes which have no parallel in the history of the world; they are entirely without excuse, justification or provocation; they have been the aggressors from the beginning, and failing to rule, they are determined to ruin. And yet they are not without defenders even in Michigan, and there are those even *here*, enjoying the sacred privileges of our free institutions, who do not hesitate to apologize for, and justify the South—who claim that *abolitionists* caused the war—that the south have been exasperated and driven into this rebellion by the action of the North. These are grave charges, and are well calculated to give aid and comfort to rebels; and on that account it becomes us to consider them. Have the North precipitated this rebellion by aggravating the South? Have the South been deprived of any rights under the Constitution, while they craved its protection? The answer is, No! The cringing, unmanly yielding of vested rights to the arrogant and insolent demands of the South, has hastened the rebellion, while just and unflinching firmness might have averted it. Com-

munities, like individuals, learn what they can do by repeated efforts, and had the Government exerted the same strong hand to punish the murderers of the first martyr to free principles, that was put forth to return a human being to bondage, when the cry was raised on Boston Common, that there was a "nigger loose," the South would never have been educated to the opinion that they could overturn this Government with impunity. Had the power of the Government prevented the lawless violence of the slave holders in the Union, it would not now be necessary for us to struggle for existence over its bleeding fragments. It is not the child who has been treated with uniform firmness, and compelled "to walk in the way he should go," that brings the gray hairs of his parents in sorrow to the grave; but it is the son, who in infancy has been pampered, reared in indolence and extravagance, and shielded in crime, that will bring ruin on his father's house. This to a limited extent is the story of Southern traitors: The slave-holders are without excuse. Treason, with them, is but the culmination of a long series of crimes and aggressions. The whole history of the country has been but the history of the most selfish arrogance on the one hand, and of the most disgraceful compromise upon the other. At the very foundation of the Union, it became necessary, in order to conciliate the large slave-holding States, to submit to the odious three-fifths representation clause in the constitution, by which slave-holders obtained representation for their property, and the brutal trader in human flesh with 500 slaves, had, as much voice in Congress as three hundred and one educated white men: and yet for the sake of peace and the Union, we have submitted to even this, the most ignominious political inequality, that was ever imposed upon, or endured by any people. By virtue, of this clause, the South have been enabled with their slaves to annul the votes cast for Congressmen and President, by near two millions of the hardy yeomanry of the North; and by slave representation alone, they have kept over twenty members in Congress, to vote down the liberties of the people. And with this, and the aid of emissaries and tools, they have always held control of the Government. Senator Hammond, of South Carolina, boasted in Congress "For sixty-four years we have ruled this nation;" and it



was not an idle boast. The three hundred and forty-seven thousand slaveholders of the South have literally controlled about twenty millions of people; and in all things their desires have been granted. They wanted Florida for slavery and they got it. A few Indians in the wilds and swamps of the State were friendly to fugitive slaves, and the entire power of the Government was brought to bear, and they were hunted down by armed men and bloodhounds; thousand of lives and millions of money were wasted to exterminate or drive out the poor Indians. Slavery demanded the vast valley of the "Father of Waters," and the Government purchased it. At a later period, the Government claimed and had an undoubted right, to a vast territory of the Northwest.—"Fifty-four forty or fight" was the motto of the dominant party: but ah! just then a wail came up from the South—the music of the peculiar institution led to a march in another direction. "A lone Star" appeared, and our afflicted sister of the Southwest, with a long train of manacled men in attendance, came to the back door of slavery, weeping to be clasped to its bosom. Then, at once Great Britain received more from the Northwest than she had ever claimed: and the blood and treasure of the nation was poured out to effect the darling object, and Texas was secured. Now the vixen has turned with her paramour, and is grappling at the throat of the government, which exhausted its resources to bring about the unholy alliance with this abandoned wretch. And this is one of John Van Buren's "erring sisters," that he desires to "let go in peace," with more than a hundred million dollars worth of United States property to be taken with her.

In 1820, the slave power desired a market for humanity in Missouri. As usual, her desires were granted, with only the condition, that North of 36 deg. 30 min. slavery should never come.

In 1854 a vast and beautiful territory was to be opened for settlement: the eye of the slave power was upon it: their swaggering demands must be complied with; and that compromise of which a distinguished Senator once said, "It had an origin akin to the constitution; \* \* \* \* had become canonized in the hearts of the American people as a "sacred thing; so sacred that no ruthless hand would ever

"be found reckless enough to disturb it."

That compromise was trampled under foot, plighted faith was violated, and the bulwarks of freedom were torn down, that the polluting flood of American slavery might flow over the virgin soil of that fair territory. They required a more efficient Fugitive Slave Law, and one was concocted as stringent as the ingenuity of man could devise, or the malice of fiends could invent. Thus it has ever been; every compromise, every right, human or divine, must yield to the arrogance of the devotees of human bondage. And not content with this, the South have monopolized, from the beginning, the offices and emoluments of the nation. With less than one-third of the white population, they have held about two-thirds of all the places of trust and profit.

Of the Presidents of the United States they have had eleven out of sixteen.

Of the Judges of the Supreme Court 17 out of 28.

Of Attorney Generals, 14 out of 19.

Of Presidents of the Senate, 61 out of 77.

Of Speakers of the House of Representatives, 21 out of 31.

Of Foreign Ministers, 80 out of 134.

And this has not been because of their superior intelligence or education; for, while the South had of newspapers at one time 740, the North had 1,790. And while the Free States contain of illiterate whites 422,515, the Slave States with less than half the population, have 512,882.

Since 1846 no Northern man has been Secretary of the Navy until 1860, although nearly all the shipping has been owned North; and for nearly the same time, no Northern man has been Secretary of War. The south has always held the balance of power, and the Government never could and never *did* pass a law without the sanction of the Southern States, as expressed by her votes in Congress. Even when the seven States seceded, the South had the entire control of the three branches of the Government and there was to be a change of the Executive only, who being unsupported by Congress or the Supreme Court, would have been powerless for harm.

In this time of treason and tribulation, when the life of the nation depends upon the vigilant exercise of every

war power, we hear much prating about the "freedom of speech" and "of the press," even though that freedom is exercised for the destruction of the Government. And yet, for the last 60 years, there has been no such right enjoyed in one half the States of this Union. A man might go before the greatest despot in the Old World, and proclaim himself opposed to human bondage, and come away unharmed; but let him step into any one of the slave States, and attempt to exercise this constitutional right, in times of profound peace, and the knife, the whip or the halter would soon finish his career. Or, as with Lovejoy, Phillips and a host of others, cold lead would have silenced free speech, and all these praters about constitutional guaranties would have responded "Yea and amen, my Lords." A free press has been started in Virginia, Missouri and other parts of the South, but they have been invariably hunted down and destroyed. The press of the noble Clay formed no exception, and always the response of the doughface of the constitutional howlers of the North has been "so mote it be." Free speech against Slavery has not been tolerated in many portions of the North; and these same advocates of free speech, belong to the class who have ever been ready to mob Abolitionists for its exercise. Let Democrats harmonize these two declarations of theirs—made at different times in their history—one past, the other present, viz. "You have no right to "free speech south—you will excite to rebellion." Now—"We must have freedom of speech to criticise the acts of the "Administration in any term we please," notwithstanding rebellion now exists.

Can we wonder that the South have come to believe themselves master of this continent? At their command we have been ready to surrender vast territories to slavery, and have purchased that which we did not own; and, at their command, we have given up what we did own. They have murdered our neighbors in time of peace, because of free principles: and we have not only, doglike, kissed the rod that smote us, but, in many instances, turned in, hunted down and mobbed the lovers of freedom at the North. They tendered us the Fugitive Slave Law, which violates the constitutional rights of trial by jury and of the writ of *habeas corpus*; and we crossed our limbs and took the chains,

becoming, almost literally, watchdogs upon the walls of American slavery; and it required but the bugle note of the master to start the whole pack in full cry after a panting fugitive. Jefferson, in speaking of things pertaining to slavery, exclaimed, "Indeed, I tremble for my country, when I reflect that God is just; and that his justice cannot slumber always." Jefferson even, with his prophetic eye could hardly have supposed that so soon his country would be trembling for herself. And the pro-slavery men of the North have yet no love of justice, no appreciation of the principles of universal liberty; and to-day, instead of sneering at the "nigger," they should clothe themselves in sackcloth and ashes, and with faces in the dust they should cry, "God be merciful to us miserable sinners." When men in the North profess to love slavery, which all men, everywhere, in their inmost souls, must abhor, we can not wonder that the south have learned to despise freemen, and free institutions—to "hate everything with the prefix free," and to trample upon free governments. When the President called for 75,000 troops, Jeff. Davis and his cabinet regarded it as a rich joke, and enjoyed a hearty laugh at Lincoln's expense. They evidently expected that a single crack of the slaveowner's whip would send the white livered Yankees howling to their holes. And the aggressions hitherto borne by the North, furnished them reasons for the conclusion; for the history of those aggressions is but the history of the South.

A people who live upon the groans and tears of the black man, will not permit the laws, the rights, or the liberties of the white man, to stand between them and their unholy desires. And there was a large part of the leaders of a great party in the North, who were relied upon to prevent the march of soldiers to aid the Government. There seemed to be a perfect understanding between the chief rebel in Richmond and his organs in the Free States, and he did not overrate their disposition; they only fell short in ability. To prove that these leaders have done and are yet doing all they can, to prevent a vigorous prosecution of the war, I will ask attention to a few familiar facts: When the rebels had seized the United States property in most of seven states, to the amount of many mil-

ion dollars; had captured United States troops, fired upon unarmed transports, and were preparing to capture the very Capitol of the Nation, the great mass of those leaders and organs were opposed to resisting them. The State Convention of the Democratic party of the State of Michigan in 1861 resolved, among other things, that "we earnestly counsel against all menaces or coercion of States by "arms." The *Detroit Free Press* of January 26th, 1861, said: "If there shall not be a change in the present seeming purpose to yield to no accommodation of the national "difficulties, and if troops shall be raised in the North, to "march against the people of the South, A FIRE IN THE "REAR WILL BE OPENED UPON SUCH TROOPS, WHICH WILL "EITHER STOP THEIR MARCH ALTOGETHER, OR WONDERFULLY "ACCELERATE IT. Or in other words, if, in the present "posture of the Republican party towards the national "difficulties, war shall be waged, THAT WAR WILL BE FOUGHT IN THE NORTH."

The same paper on the 29th of the same month, said; "There are some sixty-five thousand able bodied men,— "voters at the late election,—citizens of this State, who "will interpose themselves between any troops that may be "raised in Michigan, and the people of the South."

The same paper, of the 30th of Jan., 1861, quotes from the Bangor (Maine) *Union*, thus: "The whole Democracy "of the North is apparently agreed, that if there should be "no compromise of the National difficulties, separation "shall be peaceful." The *Free Press* adds: "Such is "certainly the voice of the Democracy of Michigan." To crown its infamy, the paper which uttered the above, must go back and insult the memory of the Father of the Republic in an article, of which the following is an extract: "*The "people of the South are animated by the same spirit which fired "the hearts of the patriots of the Revolution; they have borne "with persecution until forbearance has ceased to be a vir- "tue; all hope of the acknowledgement of their rights has "been lost; and they now stand at bay, determined to sub- "mit no longer Resistance to tyranny is their sentiment,—resistance to the death*"!!

The Buffalo Courier, about the same time, held the following language:

"For our own part, we have no faith in the capacity of

"the General Government to hold the Union together by force, or even to execute the laws, against the resistance of seven or more seceding States. The framers of the Constitution never contemplated such a monstrous condition of things, and hence failed to provide for it. \* \* \* \*

"The Slave States, acting in concert, could not be chastised into submission, under any circumstances; and if in such a contingency, the Northern Democracy were to say that the blood of the south should not be shed, in a vain attempt to subjugate them, a peaceful separation might be effected."!!

The Albany Argus, another leading organ of that party in the State of New York, in its issue of April 15th, 1861, says: "The President, if the telegram from Washington is to be believed, has issued a requisition for 75,000 troops from the States. Where does he find the power to do this? Congress refuses to pass a law for such purpose. Existing acts of Congress confer no such authority. Is the proposition a weak attempt to brag? Let not our Democratic Legislature be decoyed into countenancing any such act of usurpation." Stand by the Constitution and laws, but resist usurpation," The Buffalo Courier tells us that the Constitution failed to provide for any such monstrous state of affairs." The Argus is willing to stand by the Constitution, while it is being torn in fragments; but counsels resistance to usurpation. This is the proposition of the party, as indicated by its leaders: their logic is, that inasmuch as the Constitution provides no means of putting down a rebellion, therefore it is unconstitutional to put forth any effort to save the Constitution; and that, while it is proper to resist usurpation of the power necessary to crush out the rebellion, and save Constitutional Government, it is undemocratic to resist, in the least, any effort to destroy the Constitution and the Government, because the founders of both never contemplated "such a monstrous state of affairs," and therefore neglected to provide for it. The argument bears upon its face the impress of its own refutation.

Self preservation is the first law of Government, as well as of individuals. The necessities of war are before all laws, (except those of warfare) and independent of all statutes, and constitutions. An eminent English writer says:

"Martial law is the law of war; that depends upon the just but arbitrary power of the Ruler; for, though he doth not make any laws, but by common consent, yet in time of war, by reason of the necessity of it, to guard against dangers that often arise, he useth absolute power, so that his word is law. When in time of extreme peril to the State, either from without or within, the general safety can not be trusted to the ordinary administration, or the public welfare demands the adoption and execution of extraordinary measures, it may become necessary to declare the existence of martial law." No man understood this better than Gen. Jackson, when he assumed the responsibility, and declared martial law; suspended the writ of habeas corpus, closed the liberty of the press and of speech, imprisoned one or two fractious Judges, armed slaves, and saved the great "Crescent City" of the Southwest. The fine of \$10,000 even, that was afterwards imposed upon him was not sufficient to increase his caution in what he knew to be right, but when the arch traitor Calhoun undertook to dissolve the Union he was ready again to resume the responsibility. He did not stop to inquire whether our fathers "had contemplated such a monstrous state of affairs," and had provided for it in the constitution! He arose in his indignation and swore "By the Eternal," it should not be done, and it was not. Where were the constitutional croakers in those days? It was Jackson then, who assumed the responsibility; it is Lincoln, now. Jackson had this advantage; he was in power when they commenced, and he crushed the monster in the shell. But he knew that the spirit still lived, and he looked forward to our day, with deep anxiety, in anticipation of this awful struggle. In May, 1833, he wrote to the Rev. Andrew Crawford, as follows:

"(PRIVATE.)

"Washington, May 1, 1833. My dear Sir: \* \* \* I have had a laborious task here, but nullification is dead; and its actors and courtiers will only be remembered for their wicked designs to sever and destroy the only good Government on the globe, and that prosperity and happiness we enjoy over every other portion of the world. Haman's gallows ought to be the fate of all such ambitious men, who would involve their country in civil war,

"and all the evils in its train, that they might reign and ride on its whirlwinds, and direct the storm. The free people of these United States have spoken and consigned these wicked demagogues to their proper doom. Take care of your nullifiers; you have them among you; let them meet with the indignant frowns of every man who loves his country. The tariff it is *now*"—and he italicises or underscores the word "*now*"—"known, as a mere pretext—its burden was on your coarse woolens. By the law of July 1832, coarse woolen was reduced to five per cent. for the benefit of the South. Mr. Clay's bill takes it up and classes it with woolens at fifty per cent., reduces it gradually down to twenty per cent., and there it is to remain, and Mr. Calhoun and all the nullifiers agree to the principle. The cash duties and home valuation will be equal to fifteen per cent more, and after the year 1842, you pay on coarse woolens thirty-five per cent. If this is not protection I cannot understand: therefore the tariff was only the pretext, and disunion and a Southern Confederacy the real object. The next pretext will be the negro or slavery question. My health is not good, but is improving a little. Present me kindly to your lady and family, and believe me to be your friend. I will always be happy to hear from you.

"ANDREW JACKSON.

"The Rev. Andrew J. Crawford—"

It was the "tariff" then—'tis "the negro, or slavery question" now. The rebels found no sympathy in the White House then; this time, they had almost the entire control of the Government in its every branch, for four years, and actually divided the States and set up a Government for themselves under democratic rule, with a President who could find no authority in the Constitution to prevent it. I charge that the Administration, with the party that did then, and do now support its principles, are responsible before Heaven for the success of this rebellion thus far—for the appalling waste of blood and treasure that might have been prevented by the efforts that prevented the success of the first rebellion. In proof of this let us glance briefly at the facts. Almost every man in Buchanan's cabinet was a Southern man. The Secretary of the Treasury and the Secretary of War were avowed secessionists; and they are



both Generals in the rebel army.

Secretary Cobb so managed to destroy the credit of the Government, that he paid twelve per cent interest on money which he borrowed to carry on the Government, and found it difficult to obtain it at that. And this too, when the funds of the Government formerly commanded a premium of twenty per cent. The Secretary of War went systematically to work to disarm the Free States; and to place all the arms and munitions of the nation in the hands of those who were plotting the overthrow of the Government. Many thousand stands of arms were removed from Springfield Arsenal, and sent to the care of Southern traitors; and there was scarcely a depository of arms in the whole North, that was not made to undergo a similar depletion. And where there could be no excuse found for removing the arms, Mr. Floyd contrived to have them destroyed as far as possible. The army, scarcely 17,000 strong, was scattered to the remotest parts of the nation where it would be the least serviceable to the Government, and most completely in the power of the rebels. An important command was given to the rebel Twiggs in Texas; he handed over the army with all the munitions of war in his department, to the Confederate states as soon as asked; and then he went to New Orleans and other Southern cities, to receive the congratulations and toasts of rebels; and lastly, he has been called to another department, to receive what greeting and *trasting* is due him in the other world. As with the army, so with the navy under Secretary Toucey; that was placed in a condition to be of little avail to the Government. It was scattered to the four quarters of the globe; all sent off on distant service, except one. The last sloop-of-war (except the Brooklyn) was sent on a two years' cruise, just before the close of that Administration. All these facts were known to the country; they were known to the democracy who had the power. And yet not a single note of alarm was sounded from that quarter. While the Government was being robbed, undermined and destroyed, the democracy with anxious faces and averted looks, were whispering "Peace peace! Hush, or you will disturb—you will irritate our Southern brethren." And from that day to this they have

opposed every radical measure for the suppression of this rebellion; and now turn to us and ask with much assurance, why it is not suppressed. They opposed confiscation of rebel property; without which property the rebellion could not exist. The slaves do the manual labor of the South, produce the crops which supply the army, and support the Government. Slavery is the tree in the branches of which the Confederacy has rested from the beginning. Lincoln has laid the ax to the root of that tree, and called to the Confederacy, "Zaccheus! come down!" 'Tis a gnarly tree he plies the ax; and lo, the whole democratic party rush to the support of this last great prop of the rebellion. Their cry is

"Woodman, spare that tree,  
Touch not a single bough."

But Lincoln works with a will. The Democracy threaten "a fire in the rear."—howl "abolitionist!"—but all to no purpose. Severe as is the remedy, the life of the nation depends upon it and the Union must and shall be preserved. A hundred thousand free white men of the north have wasted away from our armies, and left their bones bleaching upon southern soil. In the south there are several hundred thousand Union men who know the country perfectly, who are acclimated, are hardy and strong, and who, from the beginning of the war, have been begging for the poor privilege of fighting or serving in the white man's stead. The Government now proposes to a very limited extent, to accept the services of negroes, not as slaves, but *as free men*. This, with all other effective measures, meets with the most bitter opposition. 'Tis stigmatized as an "abolition scheme", as brutal and inhuman.

Let us examine for a moment these charges. The idea of arming slaves and freeing them, is neither new or novel. It did not originate with Abraham Lincoln, with the Republican party, nor yet with abolitionists. This, instead of being the first time in the history of this continent, that negroes were called into the ranks to fight, side by side with white men, is really the first time in the history of the world so far as I have read, when the measure has met with such violent opposition. It is the first time when blind, unthinking fanaticism upon the negro question,

has been allowed to run away with the brains of a people, so as to leave the spectacle of a nation, struggling in the very jaws of destruction, and yet refusing the active, energetic aid of five hundred thousand strong men, merely because of the *shade* of their complexion. It is amazing that while men are paid enormous wages, and are led to wholesale slaughter by thousands, the negro who has been enslaved, is denied the right to die in defense of his liberties—because he is not good enough to stop rebel balls. 'Tis a delicate taste a people must have which prompts them when almost drowned beneath the flood of treason, to refuse the hand stretched out to save merely because the hand is black. The history which records the unparalleled stupidity of such a transaction will require much accuracy to meet with full credit in future ages. And yet thus it is. But thus it has not always been. When Jackson armed the negroes in the war of 1812, the war was brought to a successful termination by their aid. We read of no such opposition then: negroes were good enough to fight an honorable foe, in behalf of the mere rights of commerce and the credit of the nation abroad. They were organized and armed; they fought bravely, and received the gratitude of the whole American nation; and we have yet to learn that the white soldiers were degraded because negroes helped them. It was not supposed that the aid of a negro would make a black of a white man, any more than that the use of mules would make donkeys of the whole army. But now, when the question is nothing less than one of national existence, when the liberties of the whole continent are at stake, and all the hopes of freedom for the whole world are being crushed; and when our foes are the most thievish, unscrupulous, traitorous, barbarous, God-forsaken and hell-deserving rebels, that ever disgraced the face of this fair earth—now, forsooth, nothing but the best blood of white men is fit to enrich the slave-blighted soil of the rebellious States. Negroes are not good enough to share, as horses and mules do, the toils, sufferings and privations of the war. And all who favor their help, and believe in using every and all means consistent with civilized warfare, for the purpose of crushing out this unholy rebellion, are stigmatized as Abolitionists. Well, sir, let the cry go forth, it

has lost its terrors:—'tis obsolete for every purpose but to indicate the rebel; and for this, 'tis as appropriate as the cross and slit in the swine's ear, to indicate the owner. But I have said that the idea of arming slaves did not originate with Republicans nor yet with Abolitionists. Gen. Jackson used slaves in fighting, and eulogized negro soldiers; then had manhood enough left to become the idol of the democratic party, before it had become corrupted by the Slave Power,—the "Old Hickory" of the nation! And yet he was not the first to arm slaves. They were used all through the revolution, in our army and navy. Washington not only fought side by side with negroes, but it is related in one instance, upon the tented field, he shared his blanket and actually slept with a negroe. And yet he had dignity, nobility and manhood enough left to be called "the father of his country; first in war, first in peace, and first in the hearts of his countrymen." And yet the idea of negro soldiers did not originate with him. It was left to another class—another people, to place upon their statute books, a law, not only calling for negroes and slaves to volunteer, but actually drafting them into the military service. Far away, upon the Atlantic coast, there stands one of the oldest cities of the Union. 'Tis the only city in the nation where a British soldier found a hearty and almost unanimous welcome, in the old Revolution for liberty. 'Tis the city where the fires of Toryism have not gone out since the war for Independence—where the democracy convened together, for the last time, and agreed upon the acquisition of Cuba, but could not agree upon the spoils of office. 'Tis where the first storm of iron hail was vomited, as if from the crater of the infernal pit, upon the emblem of liberty—the flag of the free. Down in South Carolina, away from the dwelling place of patriots and patriotism, in the city of Charleston, amid the fetid breath of slavery, infidelity and treason, there where they now hang negroes for daring to bear arms for their Government, were first enacted in this country laws for calling out and drafting slaves into the military service. In the statutes of South Carolina, vol. 7, page 347, in an act passed in the year A. D. 1690, we find provision for organizing and arming slaves. It read thus:

Whereas, Among the several slaves belonging to this colony, there are a great number of them who, by care and discipline, may be rendered serviceable towards the defense and preservation of this Province, in case of actual invasion; in order, therefore, to make the assistance of our said trusty slaves more certain and regular:—

1. Be it enacted, by His Excellency John P. Granville, Palatine, and the rest of the true and absolute lords, and proprietors of this province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charleston, for the southwest part of this province, and by the authority of the same, That within thirty days after the ratification of this act, the several captains or commanders of companies throughout this province do, by virtue of a warrant under their hands and seals, impower and commission five free-holders in their respective divisions, (being sober, discreet men,) to form and complete a list of such negroes, mulattoes and Indian slaves, as they or any three of them, shall judge serviceable for the purpose aforesaid: which said commissioners, after having finished their said lists, are to warn and summon their masters, mistresses or overseers to whom the said slaves do belong, to appear before them at a certain date, to show cause (if any) why their said slave or slaves so chosen, should not continue in the list; which reasons the said commissioners, or any of them, are hereby made, competent judges, to allow or disapprove, as they in their discretion, shall think fit; and further to direct and require the several masters, mistresses or overseers of the said slaves, on time of alarm or other special summons, that they cause their several slaves, so enlisted and armed either with a serviceable lance, hatchet or gun, with sufficient ammunition and hatchets, according to the conveniency of the said owners, to appear under the colors of the respective captains, in their several divisions, throughout this Province, there to remain and be disposed in such manner as the said officer or the commander-in-chief shall direct and appoint, for the public service.”

South Carolina has passed two other acts, upon the same subject, and of a similar nature, and at later periods; one is found on page 33, same volume, and the other upon

pages 349 and 350. sec. 1, 3 and 5 of the later act provides as follows:

"I. Be it enacted by His Excellency John Lord Granville, Palatine, and the rest of the true and absolute lords and proprietors of this Province, by and with the advice and consent of the General Assembly now met at Charleston, for the southwest part of this Province and by the authority of the same, That within fifteen days after the ratification of this act, the several captains of patrols, captains, lieutenants and ensigns of the companies throughout this Province form and complete a list of such negroes, mulattoes and Indian slaves as they, or any two of them shall judge serviceable for the purpose aforesaid, not exceeding the number of white men under the command of each respective captain, excepting one man slave, which shall be at the choice of his master to attend upon him upon alarms, armed with a gun and hatchet or cutlass, at his own cost and charge: which said officers, after having finished their said lists, are to warn and summons the masters, mistresses or overseers to whom the slaves do belong, to appear before them at a certain day, to show cause (if any,) why their said slaves should not continue in the said list: of which reasons the said officers, or any three of them are hereby made competent judges, to allow or disapprove, as they in their discretion, shall think fit."

"III. And be it further enacted by the authority aforesaid, That if the said officers, or any of them, shall refuse or neglect to execute and perform all and whatsoever is directed and enjoined them by this Act, that then the officer or officers so neglecting or refusing as aforesaid, shall, for each neglect or refusal, forfeit the sum of five pounds each, to be recovered as in this act is hereinafter prescribed in the case of the master or mistress their neglect or refusal to perform their part, prescribed by this Act.

"V. Be it further enacted by the authority aforesaid That if any slave shall in actual invasion, kill or take one or more of our enemies, and the same shall prove, by any white person, to be done by him, he shall, for his reward, at the charge of the public, have and enjoy his freedom, for such his taking or killing as aforesaid; and the master or owner of such slave shall be paid, and satisfied by the public, at such rates and prices as three free-holders of the

neighborhood, who well know the said slave, being nominated and appointed by the Right Honorable, the Governor or Governor for the time being, shall award on their oaths; on which award so returned, the Governor or Governor for the time being, is hereby empowered to order the Public Receiver to pay the same, who is hereby required and commanded to pay the same accordingly. And if any of the said slaves happen to be killed or taken, in actual service of this Province, by the enemy, or after enlisted as aforesaid, shall desert and run over to the enemy, in time of an invasion, then the master or owner shall be paid or satisfied for him, in such manner and form, as is before appointed to owners whose slaves are set free."

These laws are found among the published laws of South Carolina. I can find no act repealing them, and if there is none, they are the law of that State at the present time. With such laws upon their statute books, with what consistency can South Carolina, or the Democracy of the North, object against the use of negroes against the rebellion?

As a matter of curiosity if not of instruction, while the volume is in my hand, I will refer to an act which might be termed a humanitarian act. I read from page 413 same volume:

"XLIV. And whereas, many owners of slaves and others who have the care, management and overseeing slaves, do confine them so closely to hard labor, that they have not sufficient time for natural rest: Be it therefore enacted by the authority aforesaid, that if any owner of slaves, or other person who shall have the care, management or overseeing of any slaves, shall work or put to labor any such slave or slaves more than fifteen hours in four and twenty hours from the twenty-fifth day of March to the twenty-fifth day of September, or more than fourteen hours in four and twenty hours from the twenty-fifth day of September to the twenty-fifth day of March, every such person shall forfeit any sum not exceeding twenty pounds, nor under five pounds, current money, for every time he, she or they shall offend herein, at the discretion of the justice before whom such complaint shall be made."

"XLV. And whereas the having of slaves taught to

write, or suffering them to be employed in writing, may be attended with great inconvenience: Be it therefore enacted by the authority aforesaid, that all and every person or persons whatsoever, who shall hereafter teach or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe in any manner of writing, whatsoever hereafter taught to write, every such person or persons shall for every such offense forfeit the sum of one hundred pounds current money.

South Carolinians have said something, and pro-slavery sympathizers of the North have said much against personal liberty laws. And yet on page 470 of this book we find a very singular enactment, that might be called a "personal slave law," which I do not remember to have seen condemned by any pro-slavery man, North or South. It provides among other things as follows:

"II. And be it further enacted by the authority aforesaid, That it shall not be lawful for any free negro or person of color to come into this State on board any vessel, as a cook, steward or mariner, or in any other employment on board such vessel; and in case any vessel shall arrive in any port or harbor of this State, from any other State or foreign port having on board any free negro or person of color employed on board such vessel as a cook, steward or mariner, or in any other employment, it shall be the duty of the Sheriff of the district in which such port or harbor is situated, immediately on the arrival of such vessel to apprehend such free negro or person of color so arriving contrary to this act and to confine him or her closely in jail until such vessel shall be hauled off from the wharf and ready to proceed to sea. And that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or person of color and to pay the expenses of his or her detention. And in every such case it shall be the duty of the Sheriff aforesaid, immediately upon the apprehension of any free negro or person of color, to cause said captain to enter into a recognizance, with good and sufficient security, in the sum of one thousand dollars for each free negro or slave so brought or introduced in this State, that he will comply with the requisition of this act; and that on his neglect, refusal or inability



to do the same, he shall be compelled by the Sheriff aforesaid, to haul said vessel into the stream one hundred yards distant from the shore, and remain until said vessel shall proceed to sea. And if said vessel shall not be hauled off from the shore, as aforesaid, on the order of the Sheriff aforesaid, within twenty-four hours after the said order, the captain or commanding officer of said vessel shall be indicted therefor, and, on conviction, forfeit and pay one thousand dollars and suffer imprisonment not exceeding six months.

"IV And be it further enacted by the authority aforesaid, That it shall not be lawful for any master or captain of any vessel, or for any other person, to introduce or bring into the limits of this State any free negro or person of color, as a passenger or as a cook, mariner, steward, or in any other capacity, on board of such vessel, whose entrance into this State is prohibited by this act. And if any master or captain of such vessel, as aforesaid, shall bring in or introduce into this State any such free negro or person of color, whose entrance is prohibited as aforesaid, or if any other person shall introduce by land, as a servant, any free negro, or person of color, every such person shall, for the first offense be indicted therefor, and on conviction be fined in a sum not exceeding one hundred dollars: and for the second offense, be liable to forfeit and pay for such free person or persons of color so brought into this state, the sum of one thousand dollars; and shall, moreover, be liable to be imprisoned for any term of time not exceeding six months. And such free negro or person of color so introduced, whose entrance into this State is prohibited as aforesaid, shall be dealt with as is prescribed in the first section of this act"; which provides that—

"He or she shall be sold at public sale as a slave; and the proceeds of each sale shall be appropriated and supplied, one-half thereof to the use of the State, and the other half to the use of the informer."

This law is in flagrant violation of sec. 2, of article 4 of the constitution of the United States, which provides that "The citizens of each State shall be entitled to all "privileges and immunities of citizens in the several "States." In some of the Atlantic states, like our own

Michigan, they have omitted the word "white" in their tax laws; but believing in the injustice of taxation without representation, they had, unlike Michigan, omitted the same word in their election laws; and people of color were citizens of those States, and therefore entitled to all privileges and immunities of citizens in the several states; and yet under this law, colored citizens of Massachusetts, upon Massachusetts vessels entering the harbor of South Carolina, from storms or otherwise, were seized, hurried on shore, confined in jail, and unless the money was forthcoming to pay for their keeping, when their vessel sailed they were sold into slavery. All the world that knew the facts acknowledged the law to be an outrage upon humanity, a clear violation of the Constitution. South Carolina acknowledged it, for when Massachusetts sent an honored statesman, and an eminent lawyer, peacefully to try the validity of the law, before the courts of South Carolina; he and his beautiful daughter were driven from Charleston by a howling mob; and then the State immediately made it a felony for any man to contest the validity of the law. And Massachusetts, glorious old Massachusetts! the cradle of liberty! the home of christian civilization and education! the blood of whose valiant sons was first poured out for the life of the nation in its struggle of 1861, as well as in that of 1776; Massachusetts, who saved the nation in the revolution, and whose troops were first in the field, and saved Washington, in this rebellion "must be left out in the cold," by rebel sympathizers of the North; must receive the scoffs and sneers of the pro-slavery press everywhere, while they would hug South Carolina, to the bosom of the Northwest, as an afflicted and perhaps "erring sister." God save the mark, Massachusetts will live in the glory, honor, and adoration of good men everywhere long after South Carolina, the slime of its slavery and its treason sympathizing minions, shall have rotted in merited oblivion.

It is claimed "that the people of the south are animated "by the same spirit which fired the hearts of the patriots "of the Revolution. They have borne until forbearance ceases to be a virtue." If this were true, palsied should be the arm that was raised against them. The patriots of

the Revolution were right. They had fled from oppression in the old world; they sought a home of freedom amid the wilds and savages of the new world; they braved the perils of a tempestuous ocean, the barbarism of the savage aborigines; the danger of starvation and the hardships of a life in the wilderness, for the precious God-given boon of liberty. British thralldom followed them, and fastened its yoke upon them; not with their consent, but in spite of their protestations. A despotism, two thousand miles away, assumed to place its iron heel upon their necks, to grind them to the earth with taxation, and yet denied them the right of all representation. They resisted not the government of their choice, not a government that had any claims on them, but a tyrant who followed them across the ocean, to filch from them their property and their liberties. On the other hand, the Federal Government was the choice of every state, as we have already shown. The South have never been deprived of a single right under the Constitution. They have monopolized its offices, controlled its action, ruled, robbed, and are now trying to destroy it. Are these parallel cases? There is no parallel between them, more than there is between good and evil, light and darkness, Heaven and Hell. I may be thought radical. Well, Sir, rebellion against liberty, and in favor of slavery is a radical disease. I remember of but one parallel case. Milton describes it; and the remedy applied was certainly more radical than any we propose. The Great Jehovah put down that rebellion; and he did it effectually, if not mercifully. He never stopped until the last rebel was cast into the pit, where the smoke of their torments ascendeth up for ever and ever. 'Tis not mercy in this people to permit the only good Government on this earth to be destroyed, that upon its ruins there may be built up a mighty deepotism, the chief corner stone of which shall be human bondage. Talk not to me of the rights of rebels. We heard of no such rights when John Brown committed treason for liberty and against slavery; and those who committed treason for slavery against liberty, are entitled to no more consideration in this world, and I trust a righteous God will look after their rights in the world to come,

This rebellion is being nursed by the sympathy of party spirit, and the claims of party ties hold hundreds to its support, and men who in their soul loathe its iniquity. Washington, in speaking of party spirit, said. "it's a fire not to be quenched, which demands uniform vigilance, lest instead of warming it should burst into a flame, and consume.

Party spirit is proper so far as it promotes principles: when it goes beyond that it ceases to be beneficial and becomes destructive. For years there has been a contest between political parties for Southern favor. The party which could best subserve Southern interests was sure to obtain the ascendancy. The old Whig party stood it well for a season, but finally fainted by the way and is no more. The race has been vigorous, but long since the Democratic party has defied all competition and comparison, it has outstripped all competitors, until now it is without a rival in the scene, masters in the field, in undisputed possession of its own detestable pre-eminence, the only party in this great country that has avowed sympathy, and undisguised aid for rebels in arms. To illustrate the feelings of at least a portion of the organization, I will call your attention to the following resolutions, clipped from Free Press of the 9th inst., and which the Free Press says were adopted without a dissenting voice:

Resolved by the Democracy of Wayne county in convention as follows :

First—That the frightful condition to which our country has been brought by the radical and hostile factions north and south, calls in thunder tones upon every democrat to stand by the old land marks, and by their time honored principles of the democratic party.

Second—That we stand by the Constitution, the Union, the laws and the personal liberty of the citizen, and we hold him unworthy to enjoy constitutional freedom, who is willing to sacrifice any or either of those to the imbecile and corrupt faction which has set up and is attempting to wield despotic and tyrannical power at Washington.

Third—That the administration of Abraham Lincoln is worse, infinitely worse than a failure; it has been, and is, one uniform series of stupendous disasters. Yea, in many re-

spects, it has been highly criminal, and unless its leading policy shall be completely changed, it will continue to be, as it is now, unworthy of the public confidence. \* \* \*

Fifth—That the armies of the Union are able to bring this war to a successful termination if it shall be conducted for its only legitimate objects, the restoration of the Union and the maintenance of the Constitution; and therefore, while we will make every sacrifice to crush the rebellion, we question the propriety of raising negro regiments as a reflection upon our national soldiery, as tending to bring the two races into political and social equality, and as a virtual concession that our cause is regarded by those in authority as already hopeless.

\* \* \* \* \*

Seventh—That the proclamations of Emancipation issued by the President are unconstitutional and void; they were usurpations of authority; they were impolitic in the extreme and unwise in every point of view.

Eighth—That we are freemen determined still to be free and no servile minions of usurped authority shall manacle our limbs, incarcerate us in political prisons, or prevent the free expressions of our sentiments; and we caution the usurpers against a possible civil war in the North, in which blood may be poured out in torrents in defense of constitutional liberty.

Ninth—That a National convention, in which all the States should be fairly represented, would, in our opinion in the present aspects of our national affairs, be the means most likely to bring about a just and reasonable settlement of our national difficulties. \* \* \*

Eleventh—That while the democratic party of the Middle and Western States has cheerfully responded to the call of the President for men and money, until nearly every household in the land has been called to mourn the loss of some one or more of its beloved inmates, we are still left to grieve at the tardiness with which some of the New England States (to whose pernicious teachings we are mainly indebted for this unhappy state of the country) have met the demands on them.

Twelfth—That we recognize in the late elections evidence of the returning sense of the people, and evidence of the

truth of the trite saying of the Kinderhook statesman, that sober second thought of the people is seldom wrong, and always efficient; and that old Wayne, anxious not to be outdone by her sister counties, and emulous of her once proud position, has given unmistakeable evidence of her determination to be on the side of right and the Constitution, in speaking through her fifteen hundred gun battery in thunder tones that cannot be mistaken."

In the eighth resolution of the Wayne democracy, they say they are "freemen." Yes, Mr. Chairman, under this government with the blessing of Heaven, they are free, happy and prosperous. An American citizen has been the proudest title any man could wear, and a passport all over the world outside of America. All they have and are they owe to the Government under God:—that Government never did—never proposed—to abridge a single right of an American citizen—it has only put forth its arm to prevent the consummation of the great sin of its destruction. No loyal man has ever been disturbed in the quietude of his home. No loyal man has the remotest fears of being disturbed in the enjoyment of any right. Yes, they are free; under the Government of the United States they may continue free: the path of duty is the path of safety—stand by the Government, crush out rebellion, and freedom and free institutions are secured to us, our children and our children's children forever. But safety is in the Government and not out of it. Do you say that you do not like the pilot; and that the old ship of state is being carried out of the channel laid down upon the chart, in the Constitution,—that you see breakers ahead—a threatening lee shore upon your left; and rocks and shoals all around, that are not laid down upon the chart, that the chart of the Constitution points to clear weather and smooth water. All this may be true—but do you not remember that since that chart was made there has been a land slide of over seven States directly into the channel marked out by that instrument, that there is mutiny on board—much of the canvass has been torn away—the old ship's flag has been trampled under foot, her ballast has been destroyed, and her whole frame is shivering under one of the most terrible gales—the most awful storm

of rebellion that ever beat upon the sides of any ship of state.

The pilot found men on board cutting the tiller ropes, and others endeavoring to fire the ship. He ordered them confined, and has thus far saved the ship, torn and broken as she is.

He calls for help; the storm grows dark; the ship shivers in every timber, one-tenth of her crew are already washed overboard; it requires the aid of every soul to man the ship; he calls upon them to bear a hand; for God's sake men, lay hold, or we are dashed upon the shore. Now, what will you do? Will you spring as one man to the rescue, man the ratlin, brace up the sails, help at the wheel, and secure the mutineers, who are destroying the ship, that she may safely ride out the storm and come again into the quiet waters of peace and security, where she may once more bear proudly up the old flag, as a beacon of hope, safety and liberty to the oppressed of all lands, through all time to come. This would be the impulse of the patriot—nothing less than this can any man do who loves his country.

Men of Michigan, will you do this? or will you go below, sympathize with the mutineers, curse the pilot for illegal arrests and swear that not another man shall be arrested until the ship is brought into port, or it is done by due process of the law? Heaven help the people to choose, for on that choice hangs the fate of the nation. If the ship goes down, the most of us will sink with her (God grant that I may not survive my country), those who survive the wreck will be left floating upon unknown seas, without chart or compass, shut out from the genial rays of the sun of liberty, a curse to themselves, a hissing and a by word to the world. Yes, Mr. Chairman, as the democracy of Wayne county resolve "they are freemen;" but they do not know that every link they break from the golden chain that binds this government together may be forged into fetters for their limbs.

With patriotism, in the Union is light, liberty and safety. Beyond that, all is darkness and doubt.—These resolutions threaten civil war, threaten to deluge the North with human gore in case arbitrary arrests are persisted in. Heaven help those who adopted them! Do they not know that

hey are sowing to the wind, with a prospect of reaping the whirlwind—that they are kindling a fire which may consume them and us,—civil war means death to men, destruction to property, and ashes to cities. Once let slip the war dogs of civil war and it is annihilation to the country. It means more than this—it means annihilation to our armies in the field—death to our brothers in the service, triumph to Jeff Davis and the rebellion—the letting loose of all the demons of the infernal pit upon the country, to devastate with fire and sword. I take it that the democracy of Michigan are hardly prepared to endorse this, that instead of spending their means for implements of destruction at home, they will make large appropriations for the “Insane Asylum” and endeavor to bring these erring brothers back to their right minds. I have no desire to speak in unnecessary harshness, but we have to deal with facts as they exist. I would appeal to the men of Michigan to ponder well the position of affairs. Break all shackles that bind you to sympathy with treason. Cluster around the banner of our fathers, wipe out the last vestige of the spirit that is sharpening the knife that is murdering our loyal brothers in the field. Unite in patriotism for God and our native land; and then shall treason hide its head, and rebellion cease, then shall our country awake to a holier and better life, then around every cottage door shall cluster tearful, joyful faces, to welcome brave hearts home from the field—and then in the fullness of gratitude may we exclaim:

“Again our flag is at the mast;  
As proudly as of old,  
It leaps upon the joyous blast  
As if, within its fold,  
A thousand hearts alive and true,  
Were throbbing in the field of blue.”

The Senator from the “third” (Mr. Warner) has told us “that from the days of Washington to the present time, “Democracy had always been the same.” He also quoted largely from the speeches of Henry Clay, for the purpose of showing, and I admit he did show conclusively that Henry Clay took the position that Congress had no power to interfere with slavery in the States. I go even beyond



this, and cheerfully admit that Congress, as congress, has no power to interfere with slavery in any State in the Union. I believe this has been the republican doctrine from the commencement. In case a State should become disorganized, or totally depopulated, the territory would still belong to the Government, but it is no part of our present purpose to discuss the powers of Congress in such a contingency. If the quotations were made for the purpose of showing that Congress had no power to prohibit slavery in the territories, there was certainly a failure in the attempt. Henry Clay in his great speech in the U. S. Senate, February 4th, 1850, says that the power of Congress over the subject of slavery in the territory, has "been settled for a period of fifty years, and that by all the elementary writers of our country, by all the departments of our Government, Legislative, Executive and Judicial, and has never been seriously disturbed until recently." Henry Clay did not stop here, but in a speech delivered July 22nd same year, he said:

"The Constitution neither created nor does it continue slavery. Slavery existed independent of the Constitution and it was dependent in the States, not upon the will of Congress, but upon the laws of the respective States. The Constitution is silent and passive upon the subject of the institution of slavery, or rather it deals with the fact as a fact that exists, without having created, continued, or being responsible for it in the slightest degree within the States."

Again Mr. Clay says:

"So long as God allows the vital current to flow through my veins, I will never, never, never, by word or thought, by mind or will, aid in remitting one rod of free territory to the everlasting curse of human bondage." That was Henry Clay, and on that subject he agreed with the great mass of the democracy down to 1850. The democratic Legislature of Michigan, in 1849, (session laws, page 363) resolved, among other things, "That we believe that Congress has the power, and that it is their duty to prohibit by legislative enactments, the introduction or existence of slavery in any of the territories of the United States, now or hereafter to be acquired." This was democracy then, it

is republicanism to-day.

The Hon. Chas. E. Stuart, who received the patronage of the party as long as they had patronage to give, in 1847 wrote the following letter and went before the people upon the principles expressed therein, and was triumphantly elected to Congress by the democracy of his district :

"KALAMAZOO Oct. 25, 1847.

"MY DEAR SIR—A statement of my views upon the subject of slavery, generally will, I think, answer satisfactorily both branches of your second interrogatory.

"So far as the slave States have rights under the Constitution and laws of our Union, they should in my opinion, be held inviolate. But IN THE ORGANIZATION OF TERRITORIAL GOVERNMENTS, WHETHER OUT OF OUR PRESENT POSSESSIONS, OR SUCH AS WE MAY HEREAFTER ACQUIRE, A PROVISION OUGHT IN MY OPINION, TO BE INCORPORATED PROHIBITING SLAVERY.

"Upon this subject I think we have an undoubted right to act, AND I ALSO THINK THAT THE SPIRIT OF PHILANTHROPY, IN ADDITION TO OUR INTEREST REQUIRES EVERY GOOD CITIZEN TO ACT IN FAVOR OF LIBERTY. Entertaining such views, should I be placed in a position to enforce them, I should only be restricted in my efforts by the Constitution and laws of the United States, and the permanency and the welfare of the Union.

"Regretting deeply that the character of this correspondence will not permit me to state, at length, the reason upon which the foregoing is founded,

"I am, sir, your obedient servant,

"CHARLES E. STUART,

"To C. S. Wheeler, Flowerfield, St. Joseph Co., Michigan. and these, substantially were the views of the great mass of the democracy in the free States at that time.

In 1845, when the Democracy had the control of the Legislature, a petition was introduced into the Senate "praying that the necessary legislative action be taken for amending the Constitution by expunging from the second article thereof, the word "white." This petition was referred

to the Committee on State Affairs, which consisted of Mr. Samuel Denton, Mr. Patterson and Mr. Pratt. The report of that Committee is in the Senate and House Doc. No. 15. The majority of the Committee sustain the petition in an elaborate and forcible report, and introduce a joint resolution in accordance with the prayer of the petitioners. In that report the committee says:

"The petition seeks to carry into effect a great principle, namely that taxation and representation are inseparable. To this principle our republic owes its being. But for it, the State of Michigan had not been this day in sovereignty. For its assertion, the wisdom, the blood, and the treasure of this nation were not deemed too great an expenditure during eight years of infancy and weakness.

\* \* \* These reasons induce your committee to report favorably to the petitioners' prayer, 1st, because of the great principle involved,—the Siamese brotherhood of taxation and representation. \* \*

7th, because of the peculiar claims on Democracy to carry out its principles. An 8th reason is found in the unutterable littleness in taking from a class, year after year the means of supporting our government, of paying our governors, judges, legislators, etc., and yet disfranchising the payers from voting, and from representation. There is not a member of the present legislature who has not in his pocket the money of the disfranchised, and politically degraded tax payers of color. A 9th reason is suggested in the preposterous puerility of making color a qualification of suffrage.

•  
"To deny the right to a man born on our soil, whose fathers fought with ours for American independence, who is sane, crimeless, a tax-payer, and a good citizen, and to deny it, only because the Creator's sovereignty dictated the color of his creature's skin, is a proceeding, in your committee's opinion, beneath the dignity of a sovereign people, claiming intelligence and animated by a just self respect. \* \* \*

"The objector says the colored man is of a race inferior, and intellect weaker, than those of the white man. Neither history nor experience sustain the objection. On the contrary they conclusively refute it. Like other na-

"tions, Africa had her season of glory. During it, she was "one of the most powerful nations of the world. Their "victorious armies had nearly annihilated the Romans. "Their black Himmibal will ever be found in the catalogues "of the Cæsars and Bonapartes. \* \* \* In modern times one of the greatest writers of the day, celebrated for his intellect and brilliant talent, amid the most "brilliant capital in the world, Paris, is Alexander Dumas, "a colored man. Europe's first men deem his acquaintance an honor."

This would seem to be strange language to be uttered by a majority of the democratic committee on "State Affairs." in a democratic Legislature of Michigan. But I have yet to learn that either of the men were ever excommunicated from the party on that account. I refer to the matter to show that the democratic party were not all, and always, as ultra and unreasonable against the negro, as their present course would seem to indicate, and for no other purpose whatever.

Mr. Pratt submitted a minority report.

On page 937 of the session laws of 1839, we find that the democracy were not content to let the slavery question rest with the Territories, but passed the following resolutions, "That the existence of slavery and the slave trade at "the seat of our National Government, is an evil of serious "magnitude, which greatly impairs the prosperity and "happiness of the district, and casts the reproach of inconsistency upon the free institutions established among us." And this is the democracy that has always been the same.

I should do violence to my own feelings, Mr. Chairman, and injustice to the cause of my country, if I should omit noticing one remark of the Senator from the 3d (Mr. Warner). You, sir, will remember that we have had many democratic generals in the field,—you will also remember that of all the democratic division commanders who have served from the beginning of the war, one, and only one, has been uniformly and always successful,—the man is B. F. Butler, the patriot and hero,—who is a terror to rebels everywhere.

I have occasion to know something of the man. I had the fortune to be with the troops at the battle of

New Orleans, too ill to be of any service, 'tis true, but still I was with them. General Butler with less than three thousand men, all told, took possession of that city of over 150,000 inhabitants, the vilest rebels of all rebeldom. They murdered men for speaking to Federal officers. In one instance, before we landed from the transports, a friendly hand, in a crowd upon the shore, waved us a welcome. The mounted police of the city fired into that crowd, and several fell. The soldiers were insulted, scoffed at and spit upon. Aye, sir, spit upon! Women upon almost every street made it their business to do that to the passing soldiers, which a man could not do, and live. We undertook to bury our dead, for the dead and dying were always with us. Their graves mark the foot prints of the army, and the mournful music of the muffled drum continually reminds the soldier of another companion gone. In New Orleans the women gathered around the open grave and in derision lisped, "Another Yankee gone!" Above the city we buried a comrade upon the banks of the river. That very night the rebels dug open the grave, exhumed, mutilated, and threw the body in the muddy waters of the Mississippi.

Gen. Butler found many in New Orleans that deserved hanging. He hung but one; he subdued that turbulent city. He taught them the power of the government, and they respected it. The poor women and children, whose husbands and fathers were in the rebel army, were starving he took from the rich and fed these poor. Three thousand and more crowded the free markets every day. And yet notwithstanding all this and a thousand things more that might be told of his patriotism and kindness, we here in the Senate of the State of Michigan, are told by the Senator from the 3rd that Mr. Butler "is wicked and cruel."

The charge grates with peculiar harshness upon my ears because I know it is not well founded. Let others profit by the example Gen. Butler has given them, and the war will soon be closed, the Government will be vindicated, and the genial rays of the rising sun of peace will again irradiate, illuminate, and bless our land.

# THE TRUE POLICY OF THE GOVERNMENT

In Providing for the Reorganization of State Governments in the late Rebellious States.

## AN ORATION

DELIVERED BY

HON. S. W. FOWLER.

AT

COLUMBIA, JULY 4, 1865.

Published by Rev. L. M. Jones, President of the Day, in pursuance of a Resolution adopted by the Audience at the time.

## ORATION.

MR. PRESIDENT—LADIES AND GENTLEMEN :

Allow me to congratulate you on the selection of such an appropriate place, in which to meet to consider the best interests of the republic, to renew our devotion to freedom, repeating the pledges we have often made, for the well being of our country. The inviting coolness of this pleasant grove, with these sweet flowers and this beautiful foliage,

forms a scene which is only equaled by the attractions of that splendid lake whose clear waters ripple with music of gladness at our feet. And we can but feel an increasing interest in this meeting, when we reflect that upon every hill-top, and in every valley throughout the broad expanse of our national domain, our countrymen are joining with us in doing honor to the occasion. Every American can proudly claim his citizenship, and thank his Creator that he lives to see this day. The question of the ability of this people to govern themselves has been decided, and now we have the exalted privilege of participating in the celebration of this, the first anniversary which comes freighted with the blessings of freedom, and bearing upon it the holy influences of an honorable peace.

When the Children of Israel were about to leave the land of Egypt, God commanded them, "And ye shall observe this thing for an ordinance, to thee and thy sons, forever." For 430 years they had been in abject bondage, and the day of their deliverance was the beginning of their nationality. And if obedience was ever rendered by fallen man to the great Ruler of the universe, it has been in obeying the commandment given to the Israelites, to keep in commemoration the day of the passover. While they have been scattered among all nations of the earth, without home or abiding place,—with no common centre or governing power—without concert of action, or even a common language—oppressed, persecuted, scoffed at, and driven to the four winds of heaven, amid every diversity of fortune and all changes of condition, for nearly three thousand years, they have ever and everywhere been found true in the commemoration of the day of their deliverance.

In these later days, God's dealings with this nation have been no less marked, liberal, and yet severely just, than they were with His chosen people of old. He first led our fathers from the house of oppression in the old world into the wilderness of the new. Their oppressors followed them across the ocean and attempted to replace upon their necks the yoke of bondage; the attempt failed, and King George the III<sup>d</sup> fared but little better than Pharaoh of old. Our land was delivered—the nation was established, and the people fed upon the sweet manna of freedom. And yet, with us,

too. there was a longing after the flesh pots of Egypt. The clanking of the slave chains was renewed and continued, and the barbarities of human bondage took us far from the teachings of the God of our deliverance; until at last we have been led down through the valley of death. In humiliation and suffering we have come up, through rivers of blood and the wails of despair, the groans and tears of a nation in agony, to our present exalted position of honor and supremacy. We went into the late struggle weighed down with the woes of outraged humanity. The shock of battle has shaken off the incubus; and to-day the nation stands forth in the glory and dignity of its new life. Doubly dear is the significance which now attaches to this blessed anniversary.

In the light that breaks through the fading smoke of the battle-field, we may see indications that the day will be canonized in the hearts of free men, everywhere, through all ages to come; and that it requires no divine injunction to insure the continuation of its observance more than three thousand years hence, wherever the love of freedom lights the human soul.

We stand to-day upon the threshold of a new era—in the dawn of a new national life. The fair land of promise opens in its richness and beauty before us, and in freedom we are invited to possess the goodly heritage. But as we stand still in wonder, joy and amazement, endeavoring to comprehend the full extent of the great deliverance we have received, memory brings before the mind the picture of other scenes and we cannot forget even upon this occasion, of universal rejoicing, that the honored instrument for the consummation of this great good is *no more*. That treason has accomplished its crowning act of villany, and perfected the history of its infamy, which stands alone, unrivaled and without parallel in the assassination of the chief magistrate of the republic, the great deep of the fountains of gratitude and affection seems broken,—sorrow and sadness creep over the soul, as we realize that the Moses of this age, like his great prototype of old, was only permitted to bring his people up to the border of promised peace, and not to enter therein—when he had fully consummated this great deliverance, his work was done, and he



passed on to a more perfect rest. The name of Abraham Lincoln : who saved his country and sealed its salvation with his life's blood, will receive the homage of a grateful people so long as republican institutions exist. And so long as it can be truly said that "righteousness exalteth a nation and sin is a reproach to any people," there should be no steps taken backward from the advanced position in which the great emancipator left the nation, at the time of his assassination. Permit me now to ask your attention for a few moments, to what I conceive, should be the policy of the government in preparing for the reorganization of state governments in the late rebellious districts. And if I succeed to any extent in awakening a better appreciation of what is due to the loyal men of the south, or in arousing that love for equal and exact justice, which warmed this nation into existence, I shall be content. Under our constitution all citizens stand upon common ground, and "the citizens of each state are entitled to the privileges and immunities of citizens in the several States." And every free man born within the limits of the United States is a citizen, under our laws, and entitled to the privileges and immunities mentioned in the constitution. Therefore the moment a bondman becomes free, that moment he becomes a citizen, and the question arises whether his rights as a citizen shall be respected while the general government has the control, or whether the General Government will deprive him of the elective franchise, and thus lay the foundation of the Municipal Governments of the South in wrong and oppression. The very genius of our Government requires a liberal extension of the right of suffrage to all its citizens. And is it not just as reasonable to attempt to measure political rights by the size of the head or the color of the hair, as it is to make the color of the skin a standard of these rights? All such distinctions are only worthy to receive contempt for their utter littleness, and are totally unworthy of the civilization of the age. A vast empire in the South, "is plastic now and warm" in the hands of our rulers to be moulded into the most beautiful, free and wealthy part of this republic, or to be left struggling amid the volcanic fires of human oppression, until again, it shall be necessary to pour out the best blood

of the land to smother the flames of civil strife.

I trust that every one can agree with me, that the theme I have chosen is of national, rather than sectional importance; and that it is a proper subject for consideration, at this time, surrounded as we are by the emblems of freedom, beneath the flag of the free, upon this, the anniversary of the day that gave birth to that immortal declaration that shall stand as long as time endures.

In considering our present position, it will be generally conceded, that the state organizations of the states contained in the late so-called confederacy, were entirely supplanted, and that the states, so far as the act of the inhabitants could accomplish it, were taken out of the Union—that the great mass of the inhabitants of those states have been guilty of treason, and therein have forfeited their rights under the government, and everything except the right to a proper punishment for such crimes. That the Government has the “*eminent domain*” and has the prerogative of governing its territory, in its disorganized state, and of prescribing terms on which loyal men may reform state organizations, under the constitutions of the United States, seems equally conclusive. And it necessarily follows that if the government has the right to prescribe conditions at all, its duty is to make such conditions as will most surely secure the ascendancy of loyalty in the south and at the same time, best subserve the interests of the general government. At this time there is but one great class of people in the south, who are, and uniformly have been, patriotic. This class have at all times been ready to live, to labor, to fight, to suffer, and to die for the Union. They have proved themselves our friends, and as such are perfectly reliable. They have furnished over a hundred thousand soldiers for the service, and saved that number of our neighbors and friends from the scourge of the battle field. As soldiers, they have aided much in saving the country during the rebellion, as citizens, can they not do even more towards preserving it from the paralyzing influence of treason in times of peace? If they were worthy to carry the cartridge box are they not equally worthy to come to the ballot box? They have crushed out rebels with the bullet, and now if you disarm them and give them no

voice in the government is there not danger that the rebels will crush them with the ballot.—The emancipation proclamation and the amendment to the constitution, may prevent the reconstruction of slave markets, but if the states are reorganized upon the basis of denying to four or five millions of colored men, all voice in the laws that are to govern them, how long will it be before these states, governed by men whose hatred to the negro has been intensified by the gallant patriotism of those negroes, displayed upon many battle fields, will find occasion to enact laws making it criminal to teach the blacks, prescribing the amount of wages they shall receive, and the work they shall perform; in short to reduce them to a state of vassalage more degrading than slavery itself;—and that this may be done in spite of the judiciary, or even of the constitution of the United States, is abundantly shown in the enslavement of free citizens of the North by South Carolina, and in the failure of the representative of Massachusetts, the venerable Mr. Orr, to obtain an adjudication before any competent tribunal upon this wholesale system of human piracy.

At this time the rebels are helpless and at the mercy of the Government. Let them go through the formality of swearing allegiance, arm them with the ballot and the next day, or the next year, the government may be helpless at the feet of traitors. If we fail to do justice now that we have it in our power, can we reasonably expect it for ourselves, or for any portion of our fellow citizens tomorrow. The traitors of the south never bent to national authority until they were beat down and forced to submission. Their armies have been destroyed, but the spirit of treason remains.

And if the government places the elective franchise in the hands of outlawed traitors, who for four years have been grappling at its throat; it will but transfer the scene of strife from the field, where blood and death awaited them, to the election precinct, where they can plot against the government in comparative security. until their poison shall infest the whole body politic, and the nation becomes diseased, and perhaps destroyed.

It occurs to me, that it is about as treasonable to furnish

traitors with ballots, as it is to give them bullets, and far more dangerous. We should look to it that the frozen viper is not warmed to life, in our country's bosom. True repentance of traitors would lead them, not to ask for the disfranchisement of others, or for the elective franchise for themselves, but rather to go out Judas-like and hang themselves. "Can the leopard change his spots, or the Ethiopian his skin?"

It is certainly not asking too much, to ask, that rebels whose hands are dripping with the blood of our sons and brothers, should summer and winter beneath the folds of freedom's banner before they are invited to become lords and masters over loyal men, be they black or white. Not that we love black men more, but we love treason less. The safety of the government lies in keeping the elective franchise in the hands of patriotic men.

This seems to be a matter of necessity, not of choice; we must do right, or failing to do that, we leave our country South in the hands of those who would destroy it. The path of duty is the path of safety. And it seems peculiarly appropriate at this time, that we should recognize the fact that "God made of one blood all the nations of the earth, to dwell upon the face thereof."

We should repeat anew the immortal declaration made 89 years ago. Let us as a nation, with God's blue heavens above, his free air around, amid the booming of the canon and the gladsome, joyous shouts of patriotic millions, adopt as ours, without evasion or mental reservation, the great and glorious truths that must underlie all permanent free governments: "That all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are, life, liberty and the pursuit of happiness." These words should not pass like a thrice told tale from weary ears, but rather should they be written as it were, in letters of gold upon the tablet of every heart. Let the young learn to lisp them, the middle-aged to love them, and the old cling to them through declining years, in short, let them be the mainspring to national action, and the last of republican governments shall not be found until time shall be no more. Let croakers proclaim the doctrine impossible, and tell us that it is dangerous to

concede common rights regardless of color—does not the history of the world demonstrate, that it is more dangerous not to concede such rights?

If punishment is sure to follow the violation of the rules governing mere physical power, how much more certain and terrible the punishment when nations disregard the rights of men, brutalize humanity, and trample God's created image in the dust. Better would it be for a man to disregard the laws of gravitation and step off the brink of Niagara, than for this nation to rise fresh from its baptism of fire and blood, and again place the iron heel of despotic power upon bleeding, crushed humanity. The colored men of the South number at least nine-tenths of all who are truly and beyond question loyal. To deprive these nine-tenths of all political rights would certainly leave the power in the hand of disloyal men. To give to all loyal men, without regard to color or education, the rights of the elective franchise, might place too much power in the hands of ignorance and prejudice. But to give to all loyal men, without regard to color, who could read and write, the power to vote, would not only give representation to every class, (except traitors) but it would assure the ascendancy of loyalty—lay the foundation of permanent contentment and security, and go far towards securing the education of the masses. Can we do anything less than this? Is it possible to govern for any considerable length of time, four or five millions of free men without giving them some voice in the government? Would it be right if it were possible?

The Government has the power at this time to say who shall be represented and who not. It is for the Government to say, when it parts with the governing power, whether it shall pass into the hands of traitors or into the hands of loyal men of the South; and the people are responsible, before heaven, for the influence they exert over their rulers in this matter. This is no party question; it is not a question that can be postponed to the next day, or the next year. To-morrow it may be too late. Once decided, finally decided, every hour is big with results which must affect the destinies of the nation. 'Tis in vain to appeal to prejudice against color—it is not a question of

admitting negroes to vote in the loyal States; with that the General Government has nothing to do; but it is a question as to who shall receive the preference, the loyal blacks or the disloyal whites of the South.

Would it not be wiser to give the guardianship of your house to a vigilant black dog, rather than to place it in the charge of a desperate enemy, who had twice applied the torch, and once almost consumed it. These are questions which appeal to the practical judgment and not to the passions of men. Leaving out all questions of right or wrong, how should this thing be decided as a matter of policy. Can we do anything less, for the well being of our country than to extend the right of representation in a certain degree to the loyal blacks of the South. Or can we do less than to refuse to place the elective franchise, as we would refuse to give munitions of war, into the hands of disloyal whites. We cannot avoid this question by leaving it for the States which have been in rebellion to decide after they have reorganized: unless indeed we leave the question of the life or death of the lamb, to the wolf whose teeth are always ready sharpened to devour it. The question has been brought up legitimately by the logic of event, it is upon us, and must be decided; and upon its decision hangs to a fearful extent the future weal, or woe, of our country. Justice, intelligence and equality lay at the foundation of all permanent governments. And it is dangerous to lose sight of the fact not only that God created all men equal in point of national rights, but that governments among men are instituted for the express purpose of securing these rights, and that they derive their just power from the consent of the governed.

Without the consent of the governed there can be no just government, the powers exercised in such a case, are arbitrary and necessarily lead to despotism. In no way can our nationality be more effectually preserved than by a liberal extension of suffrage to the tax payer.

When our forefathers adopted the National Constitution every state in the Union permitted men to vote, without regard to color, except only one, and that was that hotbed of treason and traitors, South Carolina. And it has been in proportion as slavery, aristocracy, and treason, have

made inroads upon our ideas and institutions, that distinctions have been sought out, to shut the ballot box from a portion of the hardy tax payers of the land. The founders of the republic have spent the blood and treasure of the nation in its infancy, to establish the doctrine that taxation and representation are inseparable with free men, and so long as those lessons of patriotism were kept fresh in the hearts of the people, so long was the representation held sacred to the tax payers without regard to color.

The trampling upon the rights of men has produced its legitimate results upon this continent: we have been made to taste deep of the cup of anguish and death, which we had long pressed to the lips of the enslaved. Is it not enough? Shall we not now in the freshness of our repentance return to first principles, and pledge ourselves over the three hundred thousand new made graves this peace has cost, that from this time forward the government shall be administered in the fear of God, *with*, and not *without* the consent of the governed, that all political and natural limits shall be sacredly regarded, and fully protected.

At the beginning of this new life, let us commence right and in regarding the rights of others, we may reasonably hope to enjoy in security the rights we claim for ourselves. In the intelligence and enlarged patriotism of the people must rest the future well being of free institutions. Thus far our nation has outrode the storm;—the war has been bloody and costly and after the waste of six hundred thousand lives, and as many millions of dollars on both sides, the sweetness of returning peace, invites the nation to repose.

The government has established its right to existence by the strong arm of power. Slavery had denied the right and tendered the wager of battle. It staked its very existence upon the result, it has lost, and now let it pay the extreme penalty of the law and die. In her madness slavery had undertaken to control the world, had proclaimed cotton king, and at her mandates the monarchs of the old world and the merchants of the new worshipped at the feet of the monster.

Never was there a more forcible illustration of the fact that

"Truth, crushed to the earth will rise again,  
The eternal years of God are hers ;  
While error, wounded, writhes in pain,  
And dies amidst her worshippers."

The prophets of treason, who predicted that 8,000,000 of people united in arms could never be conquered, have been confounded. The kings and aristocrats of the old world, who have held high carnival over the expected destruction of our nationality, and who have shouted notes of rejoicing at the supposed setting of the sun of liberty upon the western continent, have been covered with humiliation.

That sun had not gone down. Its light was only obscured for a season by the smoke of battle, to break forth again with a brilliancy and beauty never before equalled in the history of the world.

Four years of war did not leave us in a situation where it becomes necessary for us to exhaust the resources of statesmanship in order to bring about a "cessation of hostilities."

The "cessation of hostilities" was accomplished when Jefferson Davis disguised his sex ; and upbraided the government for pursuing women.

The muzzle of the revolver, and the edge of the sword produced the desired result without one single draft upon statesmanship. Soldiers, not statesmen produced the peace and to them let the fullness of a nation's gratitude be given. And let the names of those who have perished from our armies, nobly and God-like, those who have died that freedom might live, be handed down in glory and honor from generation to generation,—let their deeds live in song and story, as illustrious examples of courage and patriotism, and may their cherished memories live, blessing and to bless. And while the eyes are yet wet with tears for those who were, and are not, under the holy influence of recent bereavements, let us solemnly renew our covenants of patriotism, that the principles that they gave their lives to perpetuate, may be established in justice and purity.

The bravery and heroic endurance of our armies have given us a place among the first nations of the earth. Now the sweet incense of peace is permitted to go up from the heart altars of disenthralled millions. To-day the elastic step of victorious thousands is heard by longing ones at



lonely cottage doors all over the land. Where but yesterday was parting in doubt, and grief, and almost in despair, to-day there is meeting in pride, amid tears of joy and thanksgiving. The mother points to the empty sleeve to indicate her share in the price paid for the precious boon of liberty. And if here and there stand vacant chairs that can never be filled; if heavy hearts linger with listening ears for footsteps they can never hear; if the widow's weeds hang like a dark pall all over the land—thank God the bereft ones can look proudly up and receive the obligations and honors of a grateful people. They too, have their share of the blessings secured by the blood of the lost ones. Let us hope that the lessons of the hour may not be lost; that the justice of an offended God is satisfied, that henceforth each anniversary of this glorious day, may find the nation attaining a higher degree of civilization, freedom and universal prosperity.



# THE SOLDIERS' VOTING BILL.

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## MINORITY REPORT

OF THE

Select Committee on Soldiers' Suffrage,

BY

HON. S. W. FOWLER,

of the Senate Committee on Military Affairs,

Made to the Michigan Senate at the Special Session  
in 1864.

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The undersigned, minority of the select committee on Soldier's suffrage, to whom was referred a bill to enable the qualified electors of this State in the military service to vote at certain elections, etc., would respectfully report that he has had the same under consideration, and is of the opinion that while the provisions of this bill are such as to accomplish the desired object, in a more direct and less complicated manner, it is equally free from constitu-

tional objections with the bill reported as a substitute by the majority of this committee. Disclaiming any particular anxiety for the passage of a particular bill, the undersigned is only desirous for the adoption of such measures as will best secure the desired result; and with this object in view, a brief examination of the principles involved in this bill may not be out of place.

At the last session of the Legislature this bill was introduced by the undersigned, and was referred to the committee on privileges and elections. That committee in a very able report, considered the arguments for and against the measure; but reported the bill back to the Senate without recommendation. The bill was then placed upon the general order, and referred to the committee of the whole, but after some discussion, it was reported back and referred to the judiciary committee, who were afterwards discharged from its further consideration, and the bill was referred to the Attorney General, for his opinion of its constitutionality.

The Attorney General submitted a very excellent opinion, sustaining, in full, the constitutionality of the measure.

The same bill was afterwards introduced into the House and referred to the committee on elections. This committee, in an elaborate and carefully written report, concluded that the measure was unconstitutional and impracticable, and recommended that the "bill *do not pass*." The bill was tabled. But on the report of the minority of that committee recommending that it *do pass*, the bill was taken from the table, and passed by a vote of 50 to 33.

The bill failed to reach final action in the Senate.

It is but reasonable to suppose that the two reports referred to, the one made without recommendation and the other recommending that it *do not pass*, contain the material objections to the measure entertained by members of the Legislature. These objections may be stated thus:

1st. That under our constitution "every elector must reside in the township or ward in which he offers to vote; and *vice versa*, every elector must offer his vote in the township or ward in which he resides *and not elsewhere*."

2d. That "we can pass no election or other laws that

will be of any binding authority outside of the State, or over the soldiers, officers or armies of the United States."

3d. It is inexpedient to allow soldiers to vote.

In discussing the first part of the subject, embracing the constitutional question, many of the opposers of the measure have fallen into the error of *considering the constitution of a State a granting instead of a limiting power.*

And all of the most earnest arguments from that side have been founded upon these erroneous premises. The majority of the committee on elections in the House, in their report, state "that section 5 of the same article (article 7) of the constitution, which declares that 'no elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States. or of this State, nor while a student in any seminary of learning, etc., was neither intended to, nor does it, in the opinion of your committee, give to such person, so engaged in the service of the United States, or attending a seminary of learning, the right to vote in any other place than that in which he is a resident.'" Again in the same report, the committee say: "to have intended the provisions of said section five, as authorizing the several classes of persons therein named, to vote wherever they might happen to be on election day, would be putting it in the power, frequently, of persons having no interest in the local affairs, or officers of the town or ward, where they were temporarily stopping, of controlling the elections of such town or ward, and overruling the wishes of permanent residents."

In these extracts the committee appear to assume that the Legislature has only such power as is granted in the constitution, and that if a person could deposit a vote for the officers of the county of his residence, while out of the county, he could vote at and aid in controlling the elections of other towns or wards where he happened to be, away from the place of his residence.

In the report already referred to, by the committee of the Senate on privileges and elections, we find this language: "It is very difficult to believe that the framers of our constitution, or the people in their ratification of the same, intended to make provision for, or authorize the pas-

sage of any such law as is contained in this bill. Had they intended to grant such authority, or license, it is believed that they would have expressed such intention more explicitly, and in language well defined." If it really required, in express terms, constitutional license, to enable the Legislature of a State to pass a law, then, indeed, the friends of this measure might despair of being able to extend to the defenders of this nation the freeman's right of a voice in the affairs of its government. But it is believed to be well established by all of the elementary writers upon constitutional law, that all power vests in the people, and that the constitution of a State is a limiting power, and not a grant of a power. And that the Legislature of a State, as a municipal organization, has a right to pass any law the public interest may require which is not prohibited by the constitution.

In the case of "The State of Iowa, *ex rel.* Wilson *vs.* Burt;" same *ex rel.* O'Neal *vs.* Watson, the Supreme Court of Iowa affirm that the doctrine that "the constitution, as applied to the legislative department, is a limitation and not a grant of power; or in other words, *if the Legislature is not restricted, it has full power to provide who shall have the right of suffrage and prescribe the right of place, time and manner of its exercise.* For the Legislature clearly has the power to legislate on all rightful subjects of legislation, unless *expressly* prohibited from so doing, or where the prohibition is implied from some express provision. This theory must never be lost sight of by the courts, in examining the powers of the Legislature. It is elementary, cardinal, and possesses frequently, controlling weight in determining the constitutional validity of their enactments."

In the light of these principles, let us examine our Constitution and see if we are prohibited from extending to soldiers the right to vote while in service.

It is believed to be admitted by all parties, that a soldier does not lose a residence by reason of being absent in the army. He has the same rights, so far as all questions of residence is concerned, he would have if he never entered the army or left home.

Then, if there is any prohibition applicable to this measure, it must be contained in section 1, of article 7, of the consti-

tution, which declares "that no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he has resided in this State three months, and *in the township or ward in which he offers to vote* ten days next preceding such election." Under this clause, there is no question but what the soldier is a citizen, a resident and entitled to vote in the town where he resides. In all of these particulars he is placed upon the same footing as if he had not gone to the war.

Then, the question comes down to simply this: Is the Legislature prohibited by this article of the constitution from providing that the ballot box of a township may be taken outside of its limits to receive the vote of its electors, when those electors are compelled to be absent from their residence? It is not a question, as the Committee of the House, in the report above referred to, seem to intimate, whether the soldier, or the class of persons referred to in the 5th section of article 7 "may vote where they happen to be on election day, for the officers of that particular locality, and thus overrule the wishes of the permanent residents.

It is not a question whether the elector may vote where he has no right to vote, and for officers in whom he has no interest, but it is a question whether electors taken from their homes and from the ballot box of their particular localities, to save the nation, may have the ballot box taken to them, that they may vote as they would if they were yet enjoying the peace and plenty of their residence—may vote where they *have a right* to vote, and for officers in whom they *have an interest*.

Suppose section 1, of article 7, was changed and read thus: "No citizen or inhabitant shall be an elector or entitled to vote at any election unless he has resided in this State three months, and in the township or ward in which he *claims the right to vote*, (instead of "offers to vote,) ten days next preceding such election," would any person imagine that it fixed the *place of opening the ballot box*? Certainly not; and yet the intent and meaning is not changed. "Offering to vote" is but one way of claiming the right to vote and it occurs to the undersigned that the whole section does, and was intended to do nothing more than prescribe

the qualifications of an elector; and refers to a question of the residence of a voter, and not to the manner or place of depositing his ballot.

In 1821 the constitution of New York provided that "every male citizen of the age of twenty-one years who shall have been an inhabitant of this State one year preceding an election, and for the last six months a resident of the town or county *where he may offer his vote,*" etc. Under that provision, it is said that the Legislature of New York provided that an elector might vote for State officers anywhere in the State.

And it did not seem to occur to any of the constitutional lawyers of that time, that the provision (which was the same in substance as the provision referred to in our constitution) prohibited such legislation. We cannot learn that the constitutionality of the law referred was questioned.

But as its practical workings were not satisfactory, the Legislature of New York, in 1825-6, adopted an amendment to this provision which was afterwards ratified by the people, adding after the word "vote" the words: "shall be entitled to vote *in the town or ward where he actually resides,* and not elsewhere, for all officers that now are or may be elected by the people."

If the language "town or county where he offer his vote" is susceptible of the construction now sought to be put upon it, and does actually limit the place of depositing the ballot, is it not a little singular that the people of the State of New York should have failed to discover the fact, and found it necessary to change their constitution, and add the words "in the town or ward where he actually resides and not elsewhere?"

If our constitution had been designed to limit the action of the Legislature in fixing a place for the reception of votes, is it not reasonable to suppose that it would have contained a provision similar to the amendment of the New York constitution, adopted as above? See stat. N. Y., vol. 1, 2d Ed., pages 30 and 50.

The constitution of Connecticut provides that the place of holding elections *shall be in an electors meeting,* composed of electors in the respective towns qualified to vote in the

town, duly warned, convened, organized and held for the purpose." Constitution of 1818, and amendments of November, 1836, and October, 1845. Under this constitution the Supreme Court of Connecticut held that "it was intended that the vote should be brought by the elector in person, in an organized electors meeting, in the presence of the electors, and there received by the presiding officer." Opinion by Butler, J. 2d American Law Reg. (N. S.) 460.

It will be seen that the constitution of Connecticut, in this particular, is totally unlike ours. The constitution of New Hampshire provides, in express terms, the place of voting, that it shall be "in an electors meeting, duly warned and holden, where the votes of the inhabitants are to be received in the presence of the selectmen, in open meeting," and of course the decision of the New Hampshire courts was the same as in the case determined in Connecticut. Sec. 2d Am. Law Reg. 2, (N. S.) 140.

The constitution of Wisconsin, sec. 5, art. 13, is as follows: All persons residing upon the Indian lands, within any county of the State, qualified to exercise the right of suffrage under this constitution, shall be entitled to vote at the polls, which may be held nearest their residence, for State, United States and for county officers: *Provided, That no person shall vote for county officers out of the county in which he resides.*"

In the case of the "State *ex. rel.* Chandler *vs.* Maine," (opinion of the Supreme Court of Wisconsin, March, 1863,) it was held that the "proviso did not mean to prohibit the voter from being allowed to cast his vote outside of the county in which he resided, but to prohibit him from voting for officers of a county in which he did not reside."

The constitution of Louisiana provides that "no person shall be allowed to vote at any election held in this State, except in the parish of his residence," etc. Constitution, 1852, tit. 2, art. 13.

The constitution of Kentucky declares that the elector shall have certain qualifications, and "shall vote in said precinct (that of his residence,) and not elsewhere." Const. 1850, art. 2. sec. 8.

The constitution of Illinois contains a similar provision. Art. 6. sec. 1. "On the other hand," says the Supreme



Court of Iowa, in the case above referred to, "the constitution of Michigan, (1850, art. 7, sec. 1,) Ohio, (1851, art. 5, sec. 11.) and California, (1859, art. 2, sec. 1.) contain no such express provisions or restrictions."

The constitution of Pennsylvania provides that the Legislature shall divide the State into *election districts*, and that no person should be entitled to vote in any district who had not resided during the ten days next preceding the time when he should offer to vote, in the district where the vote should be offered.

The Supreme Court of that State, held that under such a provision "election districts must be *territorial sub-divisions* of the State, and could not be formed or extended out of it;" that an offer to vote must be personally made in the election district where the voter had a right to make the offer; and that, therefore, the Legislature could not authorize a vote to be offered or received in any place out of the State.

In many cases under our constitution as it now is the Legislature of the State has provided for holding the election of a township outside of its limits, (see Sess. Laws of 1859.p. 875 and 927,) and other enactments, and elections have been so held, without question.

And this rigid construction is only sought to be put upon our constitution when it is proposed to do an act of simple justice to our brothers in the army.

The decision in the case of Iowa *ex. rel.* Wilson *vs.* Burt, already referred to, was made in relation to a law similar in all parts to this bill, and under a constitution almost precisely like our own. In that case the learned judge said, "But it is also urged that the law has an extra territorial operation: that the law of a State can only have operation within its limits; and that as this law provides for the organization of election boards, the holding of an election, the administering of oaths beyond the State, \* \* and for the punishment of illegal voting, and false swearing in such elections, it is necessarily invalid."

We are not aware that any of the cases cited and relied upon by counsel, intimate that such a law would be invalid for the reason stated. On the contrary, one of them at least (the Conn. case,) as we have already seen, expressly

holds that if the time, place and manner are committed to the Legislature, *the reception of votes out of the state may be constitutionally authorised.*

Not only so, but the law is intended to act upon, and give a rule for the government of the citizens, residents or subjects of the State, though they may be out of the State upon a subject, and in relation to a matter which concerns and affects them, as such citizens or subjects, and which affects also the sovereignty of the State, and in no manner concerns any other jurisdiction.

That persons violating the law cannot be punished until they come or are brought \* \* \* within the territorial jurisdiction of this State, avails nothing, for, as is well said by Brónson, J., in *Adams vs. The People*, 1st Comstock, 178 this is more than happens when a criminal escapes after having committed a crime within the State. Jurisdiction of the offense or subject matter is a very different thing." See *Tyler vs. The People*, 7th Mich., 162; 8th ib., 220, and 3d Denio, 180.

Looking, therefore, in conclusion, to both the letter and spirit of the constitution, only anxious to view the question as one of legal or constitutional right—discarding all thought of expediency—all considerations touching the justice of the law, \* \* \* we feel constrained to say, in fidelity to the oaths we have sworn, that this law can be, and should be upheld."

It seems clearly established that our constitution contains no express prohibition to prevent the Legislature from passing such a law. Can members hesitate to pass it, in the absence of such prohibition, merely because of vague and doubtful theories that might be invented in opposition to any law upon our statute books?

Should the Legislature be less liberal in construing the constitutionality of its enactments, than the law is when those enactments are being investigated by judicial tribunals?

*If there is doubt*, in the name of justice and right, let that doubt be given to secure our gallant fellow-citizens in the service of our common country, the boon which they, of all others can best appreciate and do most richly observe—the rights of the elective franchise.

The rule in such case is, that an act cannot be declared void unless it violates the constitution *clearly, plainly and in such a manner as to leave no reasonable doubt of its unconstitutionality*. 21st Penn., 162. Adams *vs.* Howe, 14th Mass., 345. In the latter case it is held "that the courts when called upon to decide the constitutional validity of a law, will presume in its favor until the contrary clearly appears, \* so that in any case substantially doubtful, the law would have its force \* and the court will never declare a statute void unless the nullity and invalidity of the act be placed in their judgment beyond *a reasonable doubt*." In Kentucky it is held "that if it be doubtful or questionable whether the Legislature had exceeded its limits, the judiciary cannot interfere, though it may not be satisfied that the act is constitutional." Mon., 178.

This doctrine is fully recognized in the decision of the Iowa case above referred to; and the following, among other additional cases, are cited: City of Lexington *vs.* McQuillin, 9th Dana, 514; Griffith et al. *vs.* O. and I. R. R. Co., 20th Ohio, (Appendix 1); Cooper *vs.* Zelfair, 4th Dallas, 14, 8th Mich., 333. The last question to be considered is the expediency of allowing soldiers to vote.

If this had not been made a principal ground of opposition, the undersigned would not feel justified in taking space to investigate it. The committee on elections, of the House in the report already alluded to say: "Your committee are further unanimously of the opinion that the passage of this bill, if it could be consistently done, would be unwise." And the reason given, among others are—

1st. That "but a partial vote of the electors of this State could be obtained. \* Unless all could avail themselves of the privilege of such a law, it would seem more just that the privilege should not be extended to any."—This argument is so sweeping in its nature that it would not only prevent the holding of any election anywhere, but would almost deprive man of the blessings of a munificent providence.

2d. "There being no power to enforce the election laws, the ballot-box might be stuffed or destroyed, by a disorderly rabble," etc. All experience, it is believed, proves that there is less mob or violence in a well disciplined army, than there is out of it: and not out of the army, the

danger of mob violence has never been regarded (in this country) as a sufficient reason for depriving the people of the rights of the elective franchise.

3d. It is argued that "if the electors within the district are, in the great majority of cases, incompetent to judge of the qualifications of the respective candidates, at the time of their nomination, how can we expect that the soldiers in active service—will be competent judges of the character or fitness of such candidates, or able to cast an intelligent vote? If the soldier is desirous to vote for the candidate only of a particular party, without any regard to the fitness or character, of candidates, he will be unable to do so of his own knowledge, in most cases, but will have to take the word of some other person, who if interested in the result, might not scruple to deceive him etc. The soldier has no reliable means of becoming acquainted either with their character politics or qualifications for the respective offices for which they are running. Is it, therefore, depriving the soldier of any privilege, by refusing to extend to him, under such circumstances, the right of voting? Is the right to vote for a candidate of whom we know nothing, a privilege?"

Without the slightest reflection upon any person, it certainly is error to suppose that men absent for a few months or a year or two, in the government service, taking an active part in deciding, with their swords, the great practical questions of the day, are less qualified for the duties of the elector than they would have been if they had allowed themselves to have remained deaf to the calls of their country—slumbered on in the quietude of their homes, without dreaming of the responsibilities of the hour.

Let him who thinks he can succeed, visit the camps of those war-worn veterans, and undertake to deceive them as to the ticket they should vote, and if he does not return a better, he will certainly be a wiser man.

It is a serious, if not a dangerous mistake, to suppose that the intelligent, patriotic sons of Michigan, who have sprung to arms to save the free institutions of this republic, are more ignorant or less interested in the questions that involve its common interests, than that other class, who have not sufficient interest to move them to the field in its de-

fense. The whole interest of the army is merged in the present struggle. Every camp is filled with letters and papers from home. Nearly all the reading the soldier gets is the news of the day. The whole history of home is faithfully reproduced in camp; and every act of a public nature is scanned with an eagle eye, and no such act will escape the judgment of the fifty thousand soldiers of Michigan.

There is no other equal number of men in or out of America who read more, or take more interest in the current events of the day, than the soldiers of this republic.

The undersigned, being of the opinion that the welfare of our common country, and the plainest dictates of justice, alike require that those who peril their lives for the government should have a voice in its affairs; and believing that there is no express prohibition in our constitution to prevent it, and that this bill is well calculated to secure that result, would most respectfully report the bill back to the Senate without amendment, and recommend that it do pass.

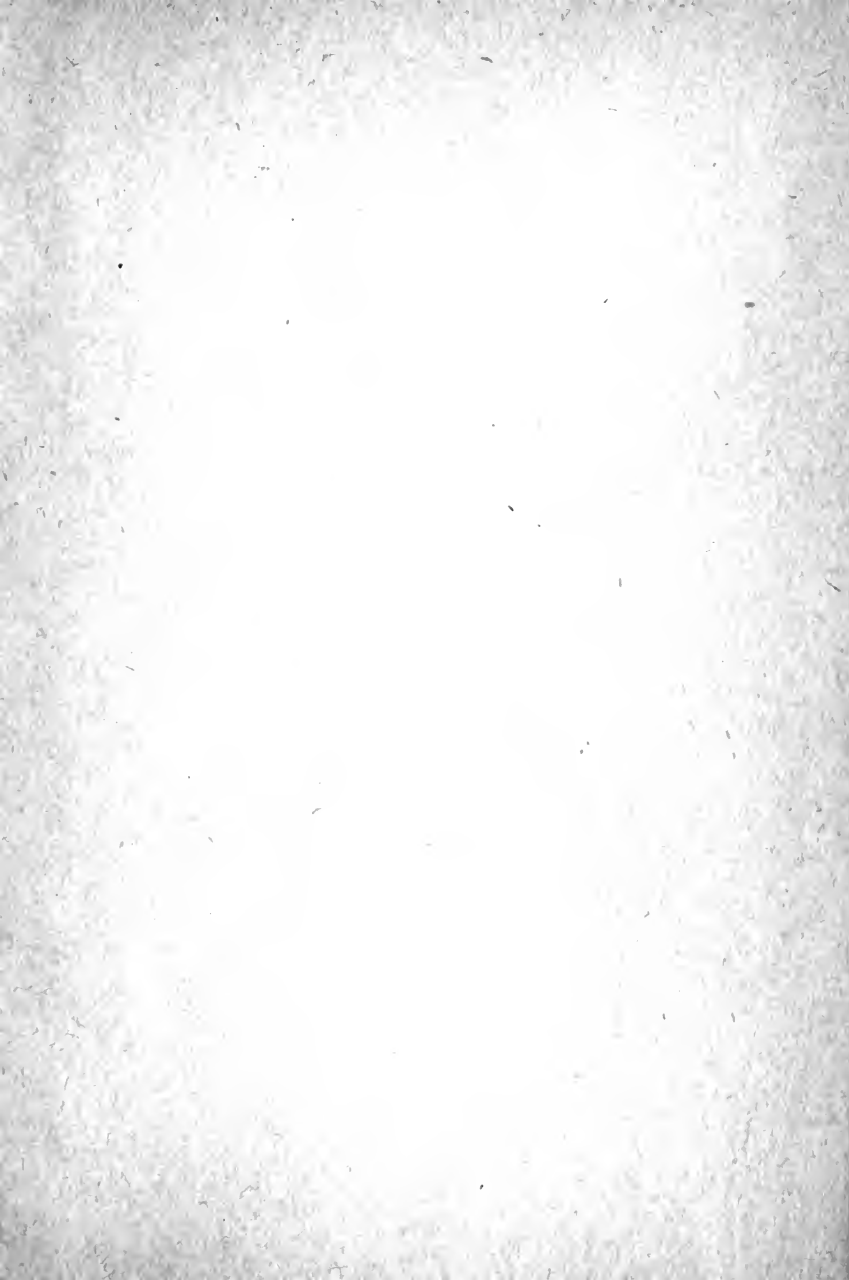
S. W. FOWLER, *of Committee.*











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